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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19201-19250

FOODS

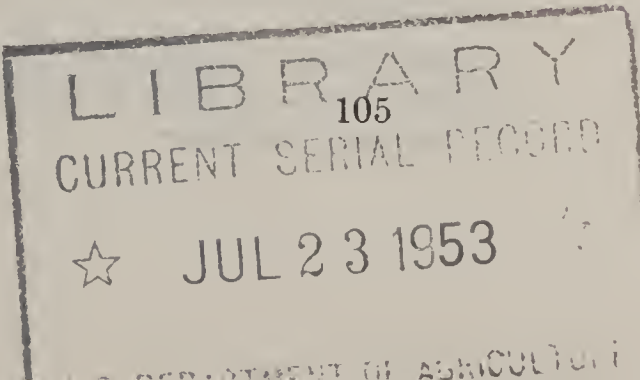
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *June 23, 1953.*

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**BEVERAGES AND BEVERAGE MATERIALS\***

**19201. Adulteration of sweet wine. U. S. v. 302 Cases \* \* \*. (F. D. C. No. 32970. Sample No. 37815-L.)**

**LIBEL FILED:** March 26, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 22 and 24, 1951, by various distributors in the Kansas flood area.

**PRODUCT:** 302 cases, each originally containing 12 bottles, of various types of sweet wine at Yonkers, N. Y. These were returned shipments, and many cases contained broken bottles.

Examination disclosed that the bottles were contaminated with caked mud, indicating they had been in a flood. There was mud on the bottles around the screw cap, and they were not corked. It would be impossible to remove the contents of the bottles without causing contamination of the product.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 26, 1952. Default decree of condemnation and destruction.

**19202. Adulteration of green coffee beans. U. S. v. 60 Bags \* \* \*. (F. D. C. No. 32911. Sample No. 34164-L.)**

**LIBEL FILED:** On or about April 4, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about November 6, 1951, from New Orleans, La.

**PRODUCT:** 60 bags, each containing 130 pounds, of green coffee beans at Springfield, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and insect-damaged coffee beans. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 3, 1952. W. D. Roussel & Co., Inc., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of cleaning and removing the unfit beans, under the supervision of the Federal Security Agency. The reconditioning operations resulted in the destruction of the entire lot of the product as unfit for human consumption.

**19203. Adulteration of coffee sweepings. U. S. v. 500 Pounds \* \* \*. (F. D. C. No. 33334. Sample No. 49744-L.)**

**LIBEL FILED:** July 9, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** At various times prior to July 9, 1952, from foreign countries.

**PRODUCT:** 500 pounds of coffee sweepings at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, and it was otherwise unfit for food by reason of the presence of dirty and crushed coffee beans, rodent excreta, manure, and dirt.

**DISPOSITION:** August 21, 1952. Default decree of condemnation and destruction.

\*See also No. 19242.



**CEREALS AND CEREAL PRODUCTS****FLOUR**

Nos. 19204 to 19207 report actions involving flour that was insect- or rodent-infested, or both. The flour reported in No. 19208 failed to meet the standard for enriched flour.

**19204. Adulteration of flour. U. S. v. 284 Bags \* \* \*. (F. D. C. No. 32909. Sample No. 13049-L.)**

**LIBEL FILED:** March 21, 1952, Western District of Texas.

**ALLEGED SHIPMENT:** On or about January 28, 1952, from Denver, Colo.

**PRODUCT:** 284 100-pound bags of flour at El Paso, Tex., in the possession of Tidwell Fuel & Feed Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 16, 1952. Tidwell Fuel & Feed Co., Inc., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

**19205. Adulteration of flour. U. S. v. 24 Bags, etc. (F. D. C. No. 33141. Sample Nos. 48983-L, 48987-L, 48988-L, 48990-L.)**

**LIBEL FILED:** May 22, 1952, District of South Dakota.

**ALLEGED SHIPMENT:** Between the approximate dates of December 7, 1951, and April 16, 1952, from New Prague, Minn., and Great Falls, Mont.

**PRODUCT:** Flour. 266 50-pound bags and 10 25-pound bags at Brookings, S. Dak., in the possession of the Beattie-Steinborn Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 9, 1952. The Beattie-Steinborn Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 100 pounds of flour were segregated as unfit for human consumption and were destroyed.

**19206. Adulteration of flour. U. S. v. 12 Bags, etc. (F. D. C. No. 33145. Sample Nos. 48984-L to 48986-L, incl.)**

**LIBEL FILED:** May 28, 1952, District of South Dakota.

**ALLEGED SHIPMENT:** Between the approximate dates of November 1, 1951, and March 19, 1952, from Great Falls, Mont., and New Prague, Minn.

**PRODUCT:** Flour. 42 50-pound bags and 32 35-pound bags at Brookings, S. Dak., in the possession of the I X L Grocery.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 11, 1952. The I X L Grocery, Brookings, S. Dak., having appeared as claimant and admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be sold for use as animal feed.

**19207. Adulteration of flour. U. S. v. 29 Bags \* \* \*. (F. D. C. No. 33136. Sample No. 22689-L.)**

**LIBEL FILED:** May 19, 1952, Southern District of Alabama.

**ALLEGED SHIPMENT:** On or about January 30, 1952, from Alton, Ill.

**PRODUCT:** 29 100-pound bags of flour at Mobile, Ala., in the possession of Abb's Moving Service Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 16, 1952. Default decree of condemnation and destruction.

**19208. Adulteration and misbranding of enriched flour. U. S. v. 43 Bags \* \* \*. (F. D. C. No. 33143. Sample No. 46354-L.)**

**LIBEL FILED:** May 27, 1952, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about March 5, 1952, by the Ross Milling Co., from Whitewater, Kans.

**PRODUCT:** 43 25-pound bags of enriched flour at Winnsboro, La.

Examination showed that the product contained, per pound, 1.68 milligrams of vitamin B<sub>1</sub>, 0.76 milligram of riboflavin, and 11.7 milligrams of niacin, whereas the definition and standard of identity for enriched flour requires that it contain, per pound, at least 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), 2.2 milligrams of riboflavin, and 16.0 milligrams of niacin.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, namely, thiamine, riboflavin, and niacin, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour.

**DISPOSITION:** October 7, 1952. Default decree of condemnation. The court ordered that the product be destroyed or otherwise disposed of, as provided by law. The product was delivered to a public institution, for use as hog feed.

### MACARONI AND NOODLE PRODUCTS

**19209. Adulteration of macaroni and noodle products. U. S. v. Procino-Rossi Corp. Plea of guilty. Fine \$2,500. (F. D. C. No. 32799. Sample Nos. 7290-L, 8395-L, 8396-L, 8398-L, 8399-L, 25866-L.)**

**INFORMATION FIELD:** July 26, 1952, Northern District of New York, against Procino-Rossi Corp., Auburn, N. Y.



**ALLEGED SHIPMENT:** On or about January 14 and February 6 and 12, 1952, from the State of New York, into the State of Pennsylvania.

**LABEL, IN PART:** "P-R Brand \* \* \* Egg Noodles [or "Spaghetti," "Spaghettini," "Acine Di Pepe," "Mezzani," or "Elbow"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 2, 1952. A plea of guilty having been entered, the court fined the corporation \$2,500.

**19210. Adulteration and misbranding of spaghetti and vermicelli. U. S. v. 150 Cases, etc. F. D. C. No. 33134. Sample Nos. 13935-L, 13936-L, 14219-L, 14220-L.)**

**LIBEL FILED:** July 7, 1952, District of Colorado.

**ALLEGED SHIPMENT:** Between the approximate dates of January 27 and April 28, 1952, by Ravarino & Freschi, Inc., from St. Louis, Mo.

**PRODUCT:** 150 cases, each containing 24 1-pound packages, and 11 cases, each containing various numbers of 1-pound packages, of egg spaghetti; and 109 cases, each containing 24 1-pound packages, and 15 cases, each containing various numbers of 1-pound packages, of egg vermicelli, at Denver, Colo.

**LABEL, IN PART:** "R-F Egg Spaghetti [or "Egg Vermicelli"] \* \* \* Guaranteed to contain 5½% Egg Yolk Solids."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg yolk, had been in part omitted from the products.

Misbranding, Section 403 (a), the label statement "Guaranteed to contain 5½% Egg Yolk Solids" was false and misleading since the products contained less than 5.5 percent of egg yolk solids; and, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for noodle products since they contained less than 5.5 percent by weight of the solids of egg or egg yolk.

**DISPOSITION:** August 4, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled, under the supervision of the Federal Security Agency.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**19211. Adulteration of unpopped popcorn. U. S. v. Pelton Popcorn Co. and Robert B. Pelton. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 32808. Sample No. 6830-L.)**

**INFORMATION FILED:** August 20, 1952, Northern District of Ohio, against the Pelton Popcorn Co., a partnership, Bloomdale, Ohio, and Robert B. Pelton, a partner.

**ALLEGED SHIPMENT:** On or about December 5, 1951, from the State of Ohio into the State of New York.

**LABEL, IN PART:** "Peltons Yellow Popcorn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments

and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 11, 1952. Pleas of guilty having been entered, the court fined each defendant \$100.

**19212. Adulteration of unpopped popcorn. U. S. v. 10 Sacks \* \* \*. (F. D. C. No. 33115. Sample No. 40692-L.)**

LIBEL FILED: May 7, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about March 29, 1950, from Nampa, Idaho.

PRODUCT: 10 100-pound sacks of unpopped popcorn at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**19213. Misbranding of barley cereal and honey. U. S. v. 64 Cases, etc. (F. D. C. No. 33272. Sample Nos. 36966-L, 36967-L.)**

LIBEL FILED: May 27, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 6, 1951, and January 25, 1952, from Paterson, N. J., and Los Angeles, Calif.

PRODUCT: 64 16-ounce boxes of barley cereal and 26 5-ounce jars and 18 1-pound jars of honey, at New York, N. Y., in the possession of Lust's Health Food Bakery, Inc.

RESULTS OF INVESTIGATION: The articles were shipped in bulk, and upon receipt by the consignee, they were repacked and relabeled.

LABEL, IN PART: (Box) "Lust's Old Fashion Barley Health Cereal"; (jar) "Pure Nature-Sweet Orange Blossom Honey."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the barley cereal was effective to make pure blood, to aid digestion, to insure sleep, to promote health, to cure sickness, and to prevent nervousness and sleeplessness, and that the honey was effective in building blood. The articles were not effective for such purposes. The articles were misbranded in such respects while held for sale after shipment in interstate commerce.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3894.

DISPOSITION: October 2, 1952. Default decree of condemnation. The court ordered that a portion of the products be delivered to the Food and Drug Administration and that the remainder be destroyed.



**CHOCOLATE, SUGAR, AND RELATED PRODUCTS\*****CANDY**

**19214. Adulteration of candy. U. S. v. Melster Candies, Inc., and Grant W. Bilstad. Pleas of nolo contendere. Corporation fined \$900; individual fined \$150. (F. D. C. No. 32777. Sample Nos. 11141-L, 19067-L, 33945-L, 33946-L.)**

**INFORMATION FILED:** On or about April 30, 1952, Western District of Wisconsin, against Melster Candies, Inc., Cambridge, Wis., and Grant W. Bilstad, plant superintendent.

**ALLEGED SHIPMENT:** Between the approximate dates of September 12 and November 2, 1951, from the State of Wisconsin into the States of Ohio, Missouri, and Minnesota.

**LABEL, IN PART:** "Melster 'Cherrie'" or "Tom's Nut Royal [or "Cherry Bar"]".  
\* \* \* Tom Huston Peanut Co. Columbus, Georgia."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 22, 1952. The defendants having entered pleas of nolo contendere, the court fined the corporation \$900 and the individual defendant \$150.

**19215. Adulteration of candy. U. S. v. Martha Jane Candies, Inc. Plea of guilty. Fine, \$3,000. (F. D. C. No. 32809. Sample Nos. 16137-L, 21915-L, 30879-L.)**

**INFORMATION FILED:** July 29, 1952, Western District of Texas, against Martha Jane Candies, Inc., Waco, Tex.

**ALLEGED SHIPMENT:** On or about February 4, 7, and 15, 1952, from the State of Texas into the States of Oklahoma, Illinois, and Louisiana.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 12, 1952. A plea of guilty having been entered, the court fined the defendant \$3,000.

**19216. Adulteration of candy. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 33089. Sample Nos. 6826-L to 6829-L, incl.)**

**LIBEL FILED:** April 21, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 10, 1952, by the Charland Candy Mfg. Co., from Chicago, Ill.

**PRODUCT:** 11 cases, each containing from 14 to 16 boxes, of candy at Rochester, N. Y.

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\*See also No. 19213.

**LABEL, IN PART:** "Charland's 24 5¢ Marshmallow Delight [or "Pecan Fudge Square"]," "120 Count Coconut Fudge," or "Home Made Style 120 Count Brazil Fudge."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 26, 1952. Default decree of condemnation and destruction.

### COCOA

**19217. Adulteration and misbranding of cocoa. U. S. v. 34 Bags \* \* \*. (F. D. C. No. 32991. Sample No. 38027-L.)**

**LIBEL FILED:** March 31, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about February 29, 1952, by the Clinton Chocolate Co., from Boston, Mass.

**PRODUCT:** 34 100-pound bags of cocoa at Brooklyn, N. Y.

**LABEL, IN PART:** "Harvard Brand Cocoa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), flour had been substituted in part for cocoa; and, Section 402 (b) (4), flour had been added to the product and mixed and packed with it so as to increase its bulk and weight.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cocoa since it contained flour, which is not a permitted optional ingredient of cocoa.

**DISPOSITION:** August 1, 1952. The Clinton Chocolate Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, for the segregation of the portion that was in compliance with the law and the reprocessing of the remainder, under the supervision of the Food and Drug Administration.

Segregation operations resulted in the salvaging of 19 bags of pure cocoa. The 15 bags of flour-adulterated cocoa were converted to a chocolate-flavored dessert mix and were labeled accordingly.

**19218. Adulteration and misbranding of cocoa. U. S. v. 28 Bags \* \* \*. (F. D. C. No. 32916. Sample No. 11936-L.)**

**LIBEL FILED:** March 26, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 13 and 29, 1952, by J. F. Braun & Son, Inc., from New York, N. Y.

**PRODUCT:** 28 100-pound bags of cocoa at Reading, Ohio.

**LABEL, IN PART:** "Harvard Brand Cocoa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), flour had been substituted in part for cocoa; and, Section 402 (b) (4), flour had been added to the product and mixed and packed with it so as to increase its bulk or weight.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cocoa since it contained flour, which is not permitted as an optional ingredient of cocoa. (Examination disclosed that the product contained approximately 10 percent flour.)

**DISPOSITION:** July 21, 1952. The Clinton Chocolate Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered



and the court ordered that the product be released under bond to be used in the manufacture of a chocolate-flavored cornstarch dessert, under the supervision of the Food and Drug Administration.

### SIRUP

**19219. Adulteration and misbranding of sorghum sirup. U. S. v. 136 Cans, etc.**  
(F. D. C. No. 32920. Sample No. 34248-L.)

**LIBEL FILED:** March 31, 1952, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about September 25, 1951, by B. F. Amis, from Conehatta, Miss.

**PRODUCT:** 136 unlabeled 1-gallon cans of sirup and a number of accompanying labels at Munford, Tenn.

**LABEL, IN PART:** "Sorghum Produced By Quincy Bright Conehatta, Miss."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of sorghum, corn sirup, and sugar had been substituted in whole or in part for sorghum. Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading.

**DISPOSITION:** May 7, 1952. Default decree of condemnation and destruction. (Post-seizure examination disclosed that the product had become unfit for human consumption because of spoilage.)

**19220. Adulteration and misbranding of sorghum sirup. U. S. v. 51 Jars \* \* \*.**  
(F. D. C. No. 32960. Sample No. 13985-L.)

**LIBEL FILED:** March 18, 1952, District of New Mexico.

**ALLEGED SHIPMENT:** On or about January 14, 1952, by J. L. Kimbell, from Oklahoma City, Okla.

**PRODUCT:** 51 1-gallon jars of sirup at Albuquerque, N. Mex.

**LABEL, IN PART:** "East Texas, Sorghum Syrup Made by H. D. Knight Sulphur Springs, Texas Weight 5 Pounds."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of sorghum sirup and corn sirup had been substituted in whole or in part for sorghum sirup.

Misbranding, Section 403 (a), the label statement "Sorghum Syrup" was false and misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the jars contained less than the labeled 5 pounds.

**DISPOSITION:** April 21, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**19221. Misbranding of sorghum sirup. U. S. v. 108 Cans \* \* \*. (F. D. C. No. 33121. Sample No. 34247-L.)**

**LIBEL FILED:** May 7, 1952, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about November 15, 1951, by M. Dawson, from Springdale, Ark.

**PRODUCT:** 108 ½-gallon cans of sirup at Gates, Tenn.

**LABEL, IN PART:** "Dawson's Sorghum Syrup Made From Sorghum Cane, Enriched With Cane Sugar and Glucose."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Sorghum Syrup" was false and misleading since the product consisted of a mixture of sorghum, corn sirup, and sugar sirup.

DISPOSITION: June 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

**19222. Adulteration and misbranding of sorghum molasses. U. S. v. 36 Cans, etc.**  
(F. D. C. No. 32918. Sample No. 34245-L.)

LIBEL FILED: March 31, 1952, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 26, 1952, by Buck Hillman, from Conehatta, Miss.

PRODUCT: 36 1-gallon cans and 6 1/2-gallon cans of molasses at Bells, Tenn.

LABEL, IN PART: "Newton County, Mississippi Honey Drip Sorghum Molasses."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum, corn sirup, and sugar had been substituted in whole or in part for sorghum molasses.

Misbranding, Section 403 (a), the label statement "Sorghum Molasses" was false and misleading.

DISPOSITION: June 5, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**19223. Misbranding of sorghum sirup. U. S. v. 9 Cases, etc.** (F. D. C. No. 33077.  
Sample No. 34256-L.)

LIBEL FILED: April 22, 1952, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 15, 1952, from Thrasher, Miss.

PRODUCT: 24 cases, each containing 12 4 1/2-pound cans, of sirup at Martin, Tenn.

LABEL, IN PART: (15 cases) "Honey Drip Sorghum Flavored And Blended Contains: Corn Syrup, Sugar Syrup and Cane Syrup."

NATURE OF CHARGE: Unlabeled portion. Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (1), it failed to bear a label containing the common or usual name of the food; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each ingredient.

Labeled portion. Misbranding, Section 403 (a), the label statement "Honey Drip Sorghum" was false and misleading since the product consisted of a mixture of sugar sirup and corn sirup with approximately 10 percent cane or sorghum sirup.

The product was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.



**DAIRY PRODUCTS****BUTTER**

**19224. Adulteration of butter. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 31485. Sample No. 2702-L.)**

**LIBEL FILED:** September 24, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 30, 1952, by the Sugar Creek Creamery Co., from Louisville, Ky.

**PRODUCT:** 4 cases, each containing 32 1-pound cartons, of butter at Miama, Fla.

**LABEL, IN PART:** (Carton) "Lake View Creamery Butter Distributed by Wilson & Co. General Offices, Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its having been manufactured from decomposed cream.

**DISPOSITION:** November 14, 1952. Default decree of forfeiture and destruction.

**19225. Misbranding of butter. U. S. v. Galva Creamery Co. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 32822. Sample Nos. 15325-L, 15326-L.)**

**INFORMATION FILED:** October 9, 1952, Western District of Missouri, against the Galva Creamery Co., a partnership, Kansas City, Mo.

**ALLEGED SHIPMENT:** On or about August 21 and September 4, 1951, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "One Pound Net Oak Leaf Brand Butter."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the packages of butter weighed less than the labeled "One Pound Net."

**DISPOSITION:** The defendant filed a motion to dismiss the information, but the court overruled this motion on December 4, 1952. On December 19, 1952, the defendant entered a plea of guilty, and the court imposed a fine of \$500, plus costs.

**CHEESE**

**19226. Adulteration and misbranding of process American cheese. U. S. v. 42 Cartons \* \* \*. (F. D. C. No. 33499. Sample No. 53131-L.)**

**LIBEL FILED:** On or about August 13, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 2, 1952, by Todd Cheese Products, Inc., from Girard, Kans.

**PRODUCT:** 42 cartons, each containing 6 5-pound loaves, of process American cheese at Carthage, Mo.

**LABEL, IN PART:** "Jayhawk Brand Pasteurized Process Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing more than 40 percent of moisture had been substituted in whole or in part for pasteurized process American cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained more than 40 percent of moisture.

**DISPOSITION:** September 1952. Carthage Creamery Company, Inc., Carthage, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The product was reworked to remove the excess moisture.

### MISCELLANEOUS DAIRY PRODUCTS

**19227. Adulteration and misbranding of homogenized evaporated milk. U. S. v. 188 Cases \* \* \*. (F. D. C. No. 32924. Sample No. 22434-L.)**

**LIBEL FILED:** March 31, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about January 13, 1952, by the Producers Creamery Co., from Springfield, Mo.

**PRODUCT:** 188 cases, each containing 48 13-ounce cans, of homogenized evaporated milk at Houston, Tex.

**LABEL, IN PART:** (Cases) "Vitamin D Added Daricraft Homogenized Evaporated Milk \* \* \* The Vitamin D Content Of Daricraft Evaporated Milk Has Been Increased By The Addition of 25 U. S. P. Units of Vitamin D \* \* \* Per Fluid Ounce \* \* \* 13 Oz. Fluid Measure."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statement "The Vitamin D Content Of Daricraft Evaporated Milk Has Been Increased By The Addition of 25 U. S. P. Units of Vitamin D \* \* \* Per Fluid Ounce" was false and misleading since the product contained approximately 15 U. S. P. units of vitamin D per fluid ounce.

**DISPOSITION:** On or about April 15, 1952, the shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed, under the supervision of the Food and Drug Administration.

**19228. Adulteration and misbranding of nonfat dry milk solids. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 34068. Sample No. 34686-L.)**

**LIBEL FILED:** September 25, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about June 17, 1952, by Dairy Belle Foods, Inc., from Chicago, Ill.

**PRODUCT:** 45 100-pound bags of nonfat dry milk solids at St. Louis, Mo. Analysis showed that the product was prepared from neutralized sour skim milk.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article prepared from neutralized sour skim milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the label statement "Non-fat Dry Milk Solids" was false and misleading as applied to an article prepared from neutralized sour skim milk.

**DISPOSITION:** November 5, 1952. The Dried Milk Products Cooperative, Eau Claire, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be sold for use as animal feed, under the supervision of the Federal Security Agency.



**FISH AND SHELLFISH**

**19229. Adulteration of canned tuna. U. S. v. 129 Cases \* \* \*. (F. D. C. No. 32922. Sample No. 7696-L.)**

**LIBEL FILED:** March 27, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 23, 1951, by Wilbur Ellis Co., Inc., from New Bedford, Mass.

**PRODUCT:** 129 cases, each containing 48 7-ounce cans, of tuna at Jamestown, N. Y.

**LABEL, IN PART:** "Red & White Brand Solid Pack Light Meat Tuna."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** April 22, 1952. Default decree of condemnation and destruction.

**19230. Misbranding of canned sardines. U. S. v. 298 Cases \* \* \*. (F. D. C. No. 33075. Sample No. 41953-L.)**

**LIBEL FILED:** April 16, 1952, District of Oregon.

**ALLEGED SHIPMENT:** On or about April 1, 1952, by Oxnard Cannery, Inc., from Monterey, Calif.

**PRODUCT:** 298 cases, each containing 24 cans, of sardines at Portland, Oreg.

**LABEL, IN PART:** "Pheasant Brand Sardines In Tomato Sauce Net Contents 15 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 15 ounces.

**DISPOSITION:** July 1, 1952. Oxnard Cannery, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

**19231. Adulteration of canned herring roe. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 32145. Sample No. 3879-L.)**

**LIBEL FILED:** November 16, 1951, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about June 25, 1951, by Janney-Marshall Co., Inc., from Fredericksburg, Va.

**PRODUCT:** 18 cases, each containing 24 15-ounce cans, of herring roe at Martinsburg, W. Va.

**LABEL, IN PART:** (Can) "Gunston Hall Fresh River Herring Roe Contents 15 Ozs. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), brine had been substituted in part for herring roe. (The 15-ounce cans should have contained at least 13.32 ounces of drained roe. Examination showed that the average drained weight of the contents of the cans was 13.5 percent below that figure.)

**DISPOSITION:** October 24, 1952. Default decree of condemnation. The court ordered that the product be delivered to two local hospitals for their use and not for sale.

**19232. Adulteration of frozen scallops. U. S. v. 21 Cartons \* \* \*. (F. D. C. No. 33299. Sample No. 23241-L.)**

**LIBEL FILED:** June 18, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about May 29, 1952, by the International Fish Co., from New York, N. Y.

**PRODUCT:** 21 5-pound cartons of frozen scallops at Monmouth Beach, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed scallops.

**DISPOSITION:** August 5, 1952. Default decree of condemnation and destruction.

## **FRUITS AND VEGETABLES\***

### **CANNED FRUIT**

**19233. Misbranding of canned cherries. U. S. v. 71 Cases \* \* \*. (F. D. C. No. 33683. Sample No. 29346-L.)**

**LIBEL FILED:** September 22, 1952, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about July 16, 1952, by Seiter's, Inc., from Post Falls, Idaho.

**PRODUCT:** 71 cases, each containing 24 cans, of cherries at Spokane, Wash.

**LABEL, IN PART:** "State Flower Brand Net Weight 1 Lb. 3 Oz. Pitted Red Sour Cherries In Water."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since more than 15 percent of the cherries in the container were blemished with skin discoloration and its label failed to bear, as required by the standard, a statement that it fell below the standard.

**DISPOSITION:** November 28, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

**19234. Misbranding of canned stewed fruit compote. U. S. v. 198 Cases \* \* \*. (F. D. C. No. 32941. Sample No. 37233-L.)**

**LIBEL FILED:** March 12, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 11, 1951, by Lord Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 198 cases, each containing 24 1-pound cans, of stewed fruit compote at Bronx, N. Y.

**LABEL, IN PART:** "Krasdale Stewed Fruit Compote."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), the product contained a chemical preservative and failed to bear labeling stating that fact. (Examination disclosed that the product contained sulfur dioxide.)

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\*See also No. 19201.



**DISPOSITION:** May 5, 1952. Lord Mott Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

Further examination disclosed the presence of a number of cans which had swelled. The claimant opened all of the cans and sold the product for use as animal feed.

### DRIED FRUIT

**19235. Adulteration of dried apricots and dried mixed fruit. U. S. v. 124 Cases, etc.** (F. D. C. No. 32928. Sample Nos. 7531-L, 7532-L.)

**LIBEL FILED:** April 1, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about February 7, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

**PRODUCT:** 124 cases, each containing 24 1-pound bags, of dried apricots, and 173 cases, each containing 24 12-ounce bags, of dried mixed fruit, at Buffalo, N. Y.

**LABEL, IN PART:** "Sugar Ripe Medium Apricots [or "Fancy Mixed Fruit"] California Dried Fruit."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** May 20, 1952. Rosenberg Bros. & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be reprocessed and reconditioned, under the supervision of the Food and Drug Administration. The reconditioning operations were unsuccessful, and the products were destroyed.

**19236. Adulteration of dried pears. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 33202. Sample No. 27282-L.)**

**LIBEL FILED:** April 30, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about April 9, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

**PRODUCT:** 10 cases, each containing 24 1-pound packages, of dried pears at Honolulu, T. H.

**LABEL, IN PART:** Sugaripe Brand California Dried Fruits Medium Pears."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 10, 1952. The sole intervener having consented to the entry of a decree, judgment of condemnation and destruction was entered.

### VEGETABLES

**19237. Adulteration and misbranding of canned kidney beans. U. S. v. 299 Cases \* \* \*. (F. D. C. No. 32988. Sample No. 36844-L.)**

**LIBEL FILED:** April 1, 1952, Eastern District of New York.

- ALLEGED SHIPMENT:** On or about January 19, 1952, by W. H. Roberts & Co., from Baltimore, Md.
- PRODUCT:** 299 cases, each containing 24 1-pound, 4-ounce cans, of beans at Brooklyn, N. Y.
- LABEL, IN PART:** "Cobo Brand White Kidney Beans \* \* \* Cannellini."
- NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a variety of beans other than white kidney or Cannellini beans had been substituted in whole or in part for white kidney or Cannellini beans.
- Misbranding, Section 403 (a), the label statement "White Kidney Beans \* \* \* Cannellini" was false and misleading.
- DISPOSITION:** May 7, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.
- 19238. Misbranding of frozen peas and carrots. U. S. v. 71 Cases \* \* \*. (F. D. C. No. 33124. Sample No. 17732-L.)**
- LIBEL FILED:** May 7, 1952, Southern District of California.
- ALLEGED SHIPMENT:** On or about January 7, 1952, by Pictsweet Foods, Inc., from Mount Vernon, Wash.
- PRODUCT:** 71 cases, each containing 24 packages, of frozen peas and carrots at Glendale, Calif.
- LABEL, IN PART:** "Frozen Fresh Pictsweet Net Wt. 12 Oz. Peas and Carrots Quantity 12 Ounces."
- NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the packages contained less than the labeled 12 ounces.
- DISPOSITION:** June 11, 1952. The Market Distributors, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be repackaged, under the supervision of the Federal Security Agency.
- 19239. Adulteration of potatoes. U. S. v. 1,098 Bags \* \* \*. (F. D. C. No. 32857. Sample Nos. 17006-L to 17008-L, incl.)**
- LIBEL FILED:** March 7, 1952, Southern District of California; amended libel filed March 13, 1952.
- ALLEGED SHIPMENT:** On or about February 16, 18, and 20, 1952, by George C. Burger, from Merrill, Oreg.
- PRODUCT:** 1,098 100-pound bags of potatoes at Calexico, Calif.
- NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.
- DISPOSITION:** April 18, 1952. Default decree of condemnation and destruction.
- 19240. Adulteration of fresh spinach. U. S. v. 510 Cases \* \* \*. (F. D. C. No. 32927. Sample No. 16469-L.)**
- LIBEL FILED:** On or about April 1, 1952, Western District of Missouri.
- ALLEGED SHIPMENT:** On or about March 26, 1952, by the Meyers Commission Co., from Van Buren, Ark.



**PRODUCT:** 510 cases, each containing 12 12-ounce packages, of fresh spinach at Kansas City, Mo.

**LABEL, IN PART:** "Green Valley Brand \* \* \* Packed and Distributed by Valley Growers Packing Company Turner, Kansas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

**DISPOSITION:** April 4, 1952. The shipper and the consignee of the product having consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the product be delivered to a municipal farm, for use as animal feed.

### **TOMATOES AND TOMATO PRODUCTS**

**19241. Misbranding of canned tomatoes. U. S. v. 41 Cases \* \* \*. (F. D. C. No. 32987. Sample No. 13023-L.)**

**LIBEL FILED:** March 28, 1952, District of New Mexico.

**ALLEGED SHIPMENT:** On or about July 13, 1951, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 41 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Albuquerque, N. Mex.

**LABEL, IN PART:** "Val-Tex Brand."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it failed to meet the requirements for color and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** April 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**19242. Adulteration of tomato juice. U. S. v. 1,425 Cases \* \* \*. (F. D. C. No. 33144. Sample No. 48820-L.)**

**LIBEL FILED:** May 24, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about April 8, 1952, by the Wann Packing Co., from Frankton, Ind.

**PRODUCT:** 1,425 cases, each containing 12 cans, of tomato juice at Hopkins, Minn.

**LABEL, IN PART:** "Roy Boy Indiana Tomato Juice Contents 1 Qt. 14 Fl. Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** August 25, 1952. A default decree of condemnation was entered, and the court ordered that the product be denatured for use as animal feed or be destroyed.

### **POULTRY**

**19243. Adulteration of dressed poultry. U. S. v. Penobscot Poultry Co., Inc., and Abraham I. Savitz. Pleas of guilty. Corporation fined \$500; individual defendant fined \$250. (F. D. C. No. 32814. Sample Nos. 24337-L, 24368-L, 24373-L.)**

**INFORMATION FILED:** September 25, 1952, District of Maine, against Penobscot Poultry Co., Inc., Belfast, Maine, and Abraham I. Savitz, director and plant manager.

**ALLEGED SHIPMENT:** On or about May 30 and August 12 and 22, 1951, from the State of Maine into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material, and (1 shipment) of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in part the product of a diseased animal.

**DISPOSITION:** December 19, 1952. Pleas of guilty having been entered, the court fined the corporation \$500 and the individual defendant \$250.

**19244. Adulteration of dressed poultry. U. S. v. Maplewood Packing Co. Plea of guilty. Fine, \$1,250. (F. D. C. No. 32816. Sample Nos. 24374-L, 38304-L, 38315-L.)**

**INFORMATION FILED:** November 5, 1952, District of Maine, against the Maplewood Packing Co., Belfast, Maine.

**ALLEGED SHIPMENT:** On or about August 16, November 13, and December 3, 1951, from the State of Maine into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material, and two shipments consisted in part of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the product was in part the product of a diseased animal.

**DISPOSITION:** November 18, 1952. A plea of guilty having been entered, the court fined the defendant \$1,250.

**19245. Adulteration of dressed poultry. U. S. v. Delmarva Poultry Corp. Plea of guilty. Fine, \$1,000. (F. D. C. No. 32793. Sample Nos. 24384-L, 38306-L.)**

**INFORMATION FILED:** August 26, 1952, District of Maine, against the Delmarva Poultry Corp., trading under the name of Berry Bros., at Morrill, Maine.

**ALLEGED SHIPMENT:** On or about September 22 and November 14, 1951, from the State of Maine into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), one shipment of the product consisted in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), both shipments of the product were in part the product of a diseased animal, namely, diseased poultry.

**DISPOSITION:** December 19, 1952. A plea of guilty having been entered, the court fined the defendant \$1,000.

**19246. Adulteration of frozen dressed poultry. U. S. v. 3,292 Pounds \* \* \*. (F. D. C. No. 32833. Sample No. 10269-L.)**

**LIBEL FILED:** March 4, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about March 1, 1951, by Glen Baker & Son, from Kokomo, Ind.

**PRODUCT:** 3,292 pounds of frozen dressed poultry at Detroit, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds.

**DISPOSITION:** April 4, 1952. Default decree of condemnation and destruction.



## SPICES, FLAVORS, AND SEASONING MATERIALS

**19247. Adulteration of poppy seed. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 33086. Sample No. 35650-L.)**

**LIBEL FILED:** April 19, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 28, 1952, from Brooklyn, N. Y.

**PRODUCT:** 4 bags, each containing 109 pounds, of poppy seed at Minneapolis, Minn., in the possession of Otto Neumaier.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 13, 1952. A default decree of condemnation was entered, and the court ordered that the product be denatured for use as animal feed.

**19248. Adulteration of Thousand Island dressing. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 32925. Sample No. 48773-L.)**

**LIBEL FILED:** March 29, 1952, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 13, 1946, from Milwaukee, Wis.

**PRODUCT:** 25 cases, each containing 24 ½-pint jars, of Thousand Island dressing at Dubuque, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its rancidity. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 3, 1952. Default decree of condemnation and destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**19249. Adulteration and misbranding of multiple vitamin capsules. U. S. v. 6,400 Capsules, etc. (F. D. C. No. 32852. Sample No. 39834-L.)**

**LIBEL FILED:** March 5, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about April 27, 1950, from Detroit, Mich.

**PRODUCT:** Multiple vitamin capsules. 1 drum, containing 6,400 capsules, and 10 bottles, each containing 500 capsules, and 52 bottles, each containing 100 capsules, at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>6</sub>, vitamin C, and niacinamide, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements (on drum) "Each capsule contains not less than \* \* \* Vitamin B<sub>6</sub> 0.1 mg. \* \* \* Vitamin C 37.5 mg. \* \* \* Niacinamide U. S. P. 20 mg." and (on bottles) "Each perle contains \* \* \* Vitamin B<sub>6</sub> 0.1 milligram \* \* \* Vitamin C 37.5 milligrams \* \* \* Niacinamide 20 milligrams" were false and misleading since the product contained less than the declared amounts of vitamin B<sub>6</sub>, vitamin C, and niacinamide.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 27, 1952. Default decree of condemnation and destruction.

19250. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 2,500 Capsules \* \* \*. (F. D. C. No. 32835. Sample No. 39803-L.)

LIBEL FILED: February 29, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about November 2, 1951, from Evanston, Ill.

PRODUCT: 2,500 vitamin B complex capsules in 3 bottles at Los Angeles, Calif.

LABEL, IN PART: "Vitamin B-Complex Each Capsule Contains Thiamine Hydrochloride U. S. P. 3 Mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine hydrochloride, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Each Capsule Contains Thiamine Hydrochloride U. S. P. 3 Mg." was false and misleading.

Analysis disclosed that the product contained approximately 67 percent of the declared amount of thiamine hydrochloride (vitamin B<sub>1</sub>).

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 26, 1952. Default decree of condemnation and destruction.

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candy-----	19216	Meyers Commission Co.:	
Clinton Chocolate Co.:		fresh spinach-----	19240
cocoa-----	19217	Neumaier, Otto:	
Dairy Belle Foods, Inc.:		poppy seed-----	19247
nonfat dry milk solids-----	19228	Oxnard Cannery, Inc.:	
Dawson, M.:		canned sardines-----	19230
sorghum sirup-----	19221	Pelton Popcorn Co.:	
Delmarva Poultry Corp.:		unpopped popcorn-----	19211
dressed poultry-----	19245	Pelton, R. B.:	
Galva Creamery Co.:		unpopped popcorn-----	19211
butter-----	19225	Penobscot Poultry Co., Inc.:	
Hillman, Buck:		dressed poultry-----	19243
sorghum molasses-----	19222	Pictsweet Foods, Inc.:	
Huston, Tom, Peanut Co.:		frozen peas and carrots-----	19238
candy-----	19214	Procino-Rossi Corp.:	
		macaroni and noodle products--	19209
		Producers Creamery Co.:	
		homogenized evaporated milk--	19227

	N. J. No.		N. J. No.
Ravarino & Freschi, Inc.:		Sugar Creek Creamery Co.:	
spaghetti and vermicelli-----	19210	butter -----	19224
Roberts, W. H., & Co.:		Tidwell Fuel & Feed Co., Inc.:	
canned kidney beans-----	19237	flour -----	19204
Rosenberg Bros. & Co., Inc.:		Todd Cheese Products, Inc.:	
dried apricots and dried mixed		process American cheese-----	19226
fruit -----	19235	Valley Growers Packing Co.:	
pears -----	19236	fresh spinach-----	19240
Ross Milling Co.:		Wann Packing Co.:	
enriched flour-----	19208	tomato juice-----	19242
Savitz, A. I.:		Wilbur Ellis Co., Inc.:	
dressed poultry-----	19243	canned tuna -----	19229
Seiter's, Inc.:		Wilson & Co.:	
canned cherries-----	19233	butter -----	19224





## CANDY AND SIRUP

## CANDY

19251. Adulteration of candy. U. S. v. 99 Cartons \* \* \*. (F. D. C. No. 33188. Sample No. 37254-L.)

LIBEL FILED: April 23, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 24, 1952, by H. K. Hart Confections, Inc., from Union City, N. J.

PRODUCT: 99 cartons, each containing 120 1¼-ounce pieces, of candy at Brooklyn, N. Y., in the possession of Theatre Concessions, Inc.

LABEL, IN PART: "H. K. Hart Chocolate Flavored Candy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 7, 1952. Default decree of condemnation and destruction.

19252. Adulteration of dietetic candy. U. S. v. 75 Cartons \* \* \*. (F. D. C. No. 33220. Sample Nos. 36812-L, 36813-L.)

LIBEL FILED: April 29, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 7 and March 17, 1952, by H. K. Hart Confections, Inc., from Union City, N. J.

PRODUCT: 75 cartons, each containing 27 pounds, and 45 cartons, each containing 25 pounds, of dietetic candy at Brooklyn, N. Y.

LABEL, IN PART: "Dietetic Gum Drops [or "Hard Candies"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 7, 1952. Default decree of condemnation and destruction.

## SIRUP\*

19253. Misbranding of maple-flavored sirup. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 32883. Sample No. 41862-L.)

LIBEL FILED: March 17, 1952, District of Hawaii.

ALLEGED SHIPMENT: On or about February 26, 1952, by Lady's Choice Foods, from San Francisco, Calif.

PRODUCT: 9 cases, each containing 6 cans, of maple-flavored sirup at Honolulu, T. H.

LABEL, IN PART: "Net Contents 3 Qts. 14 Oz. Lady's Choice Pure Maple Flavored Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Pure Maple Flavored Syrup" was false and misleading since the product contained no detectable amount of maple flavor.

\*See also No. 19300.



**DISPOSITION:** September 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

**19254. Misbranding of enriched cornmeal. U. S. v. Scott County Milling Co.**  
**Plea of nolo contendere. Fine, \$100. (F. D. C. No. 32760. Sample No. 32150-L.)**

**INFORMATION FILED:** September 24, 1952, Eastern District of Missouri, against the Scott County Milling Co., a corporation, Sikeston, Mo.

**ALLEGED SHIPMENT:** On or about June 2, 1951, from the State of Missouri into the State of Arkansas.

**LABEL, IN PART:** "Enriched 8 ounces of this product contain the following percentages of the adult minimum daily requirements: Vitamin B<sub>1</sub> 100%, Riboflavin 30%, Iron 65%, and 8 Mgs. of Niacin 25 Lbs. Bolted White Cornmeal The BMM Co."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched cornmeal since it contained per pound less than 2 milligrams of vitamin B<sub>1</sub>, less than 1.2 milligrams of riboflavin, and less than 16 milligrams of niacin; and, Section 403 (a), the label statement "Enriched 8 ounces of this product contain the following percentages of the adult minimum daily requirements: Vitamin B<sub>1</sub> 100%, Riboflavin 30%, \* \* \* and 8 Mgs. of Niacin" was false and misleading.

**DISPOSITION:** November 17, 1952. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100.

### FLOUR

**19255. Adulteration of flour. U. S. v. 160 Bags, etc. (F. D. C. No. 33150. Sample Nos. 48480-L, 48481-L.)**

**LIBEL FILED:** May 29, 1952, Western District of Wisconsin.

**ALLEGED SHIPMENT:** Between October 1, 1951, and March 31, 1952, from New Prague and Minneapolis, Minn.

**PRODUCT:** 1,120 50-pound bags of flour at Marshfield, Wis., in the possession of the Hub City Jobbing Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 5, 1952. The owner of the product having admitted that the product was subject to condemnation and having alleged that some of the product was not contaminated, a decree of condemnation was entered providing for the release of the product under bond for segregation of the good portion from the bad. Approximately 79 bags of the flour were found unfit and were denatured.

19256. Adulteration of flour. U. S. v. 190 Bags, etc. (F. D. C. No. 33066. Sample Nos. 48951-L to 48953-L, incl.)

**LIBEL FILED:** April 11, 1952, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 15 and 29, 1951, and January 19, 1952, from Lincoln, Nebr., and Mankato and Minneapolis, Minn.

**PRODUCT:** 331 50-pound bags of flour at Decorah, Iowa, in the possession of S. E. Brickner & Sons.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 13, 1952. S. E. Brickner & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 157 bags of flour were found unfit and were denatured for use as animal feed.

19257. Adulteration of flour. U. S. v. 133 Sacks \* \* \*. (F. D. C. No. 33247. Sample No. 14258-L.)

**LIBEL FILED:** May 16, 1952, District of New Mexico.

**ALLEGED SHIPMENT:** On or about April 2, 1952, from Monte Vista, Colo.

**PRODUCT:** 133 25-pound sacks of flour at Roswell, N. Mex., in the possession of Gross, Kelly & Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 16, 1952. Default decree of condemnation. The court ordered that the product be delivered to an institution, for use as animal feed.

19258. Adulteration of flour. U. S. v. 60 Sacks \* \* \*. (F. D. C. No. 33135. Sample No. 41920-L.)

**LIBEL FILED:** May 20, 1952, District of Nevada.

**ALLEGED SHIPMENT:** On or about March 14 and 24, 1952, from Ogden, Utah.

**PRODUCT:** 60 50-pound sacks of flour at Reno, Nev., in the possession of Lindley & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 9, 1952. Default decree of condemnation and destruction.



## MISCELLANEOUS CEREALS

**19259. Adulteration of unpopped popcorn. U. S. v. Wyandot Popcorn Co., a corporation, and W. Hoover Brown. Pleas of guilty. Corporation fined \$500 and individual fined \$200. (F. D. C. No. 32815. Sample Nos. 2018-L, 4670-L, 6815-L.)**

**INFORMATION FILED:** September 9, 1952, Northern District of Ohio, against the Wyandot Popcorn Co., Marion, Ohio, and W. Hoover Brown, president.

**ALLEGED SHIPMENT:** On or about February 11, 15, and 20, 1952, from the State of Ohio into the States of Georgia, New York, and West Virginia.

**LABEL, IN PART:** "Wil-Kin Supreme Hybrid Popcorn Wil-Kin Theatre Supply Inc. Atlanta-Charlotte," "Hybrid Popcorn," or "South American Yellow Hybrid Popcorn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 19, 1952. The defendants having entered pleas of guilty, the court imposed a fine of \$500 on each of the 3 counts of the information against the corporation and a fine of \$200 on each of the 3 counts against the individual defendant. The court suspended the sentence on 2 of the counts and as a result the total fine was \$700.

**19260. Adulteration of rice. U. S. v. 11 Bags, etc. (F. D. C. No. 33225. Sample Nos. 2296-L, 2297-L.)**

**LIBEL FILED:** May 16, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about November 25, 1950, and March 31, 1951, from Mermentau, La., and Stuttgart, Ark.

**PRODUCT:** 14 100-pound bags of rice at Savannah, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 17, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**19261. Adulteration of rice. U. S. v. 6 Bales, etc. (F. D. C. No. 33209. Sample No. 2115-L.)**

**LIBEL FILED:** April 30, 1952, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 2, 1950, from Crowley, La.

**PRODUCT:** Rice. 6 bales, each containing 20 3-pound bags, and 9 bales, each containing 30 2-pound bags, at Charlotte, N. C.

**LABEL, IN PART:** "Dove Selected Short Grain Rice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 25, 1952. Default decree of condemnation and destruction.

## EGGS

19262. Adulteration of frozen eggs. U. S. v. 200 Cans \* \* \*. (F. D. C. No. 33151. Sample No. 42294-L.)

**LIBEL FILED:** June 2, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about April 4, 1952, by the Farmers Produce Co., from Worthington, Minn.

**PRODUCT:** 200 30-pound cans of frozen eggs at Oakland, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** July 22, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Federal Security Agency. 24 cans of the frozen whole eggs were segregated as unfit for human consumption and denatured.

19263. Adulteration of frozen eggs. U. S. v. 13 Cans \* \* \*. (F. D. C. No. 33187. Sample No. 24214-L.)

**LIBEL FILED:** April 22, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 5, 1952, by the Continent Frozen Foods Corp., from Marionville, Mo.

**PRODUCT:** 13 30-pound cans of frozen eggs at Newark, N. J.

**LABEL, IN PART:** "Pointex Egg Yolk and White."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of chicken excrement; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 7, 1952. The shipper, claimant, having withdrawn its answer and consented to the entry of a decree, the court entered a judgment of condemnation and destruction.

## FISH AND SHELLFISH

19264. Adulteration of kippered herring fillets. U. S. v. 916 Cases \* \* \*. (F. D. C. No. 33119. Sample No. 29904-L.)

**LIBEL FILED:** May 8, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 1, 1951, from Norway.

**PRODUCT:** 916 cases, each containing 50 3¼-ounce cans, of kippered herring fillets at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 5, 1952. Chr. Bjelland & Co., Inc., New York, N. Y., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation



of the unfit portion, under the supervision of the Federal Security Agency. 385 cases and 45 cans of the kippered herring fillets were found unfit and were destroyed.

**19265. Misbranding of frozen snapper fillets. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 33196. Sample No. 38715-L.)**

**LIBEL FILED:** April 22, 1952, District of Columbia.

**ALLEGED SHIPMENT:** March 12, 1952, by the Atalanta Trading Corp., from New York, N. Y.

**PRODUCT:** 6 cases, each containing 5 5-pound cartons, of frozen snapper fillets at Washington, D. C.

**LABEL, IN PART:** "Gulf Snapper Fillets."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Snapper" was false and misleading as applied to fish of the grouper species; Section 403 (b), the product was offered for sale under the name of another food, namely, red snapper fish; and, Section 403 (e) (1), the label failed to bear the common or usual name of the food, i. e., grouper.

**DISPOSITION:** May 26, 1952. The Atalanta Trading Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**19266. Adulteration of frozen tullibeas. U. S. v. 87 Boxes, etc. (F. D. C. No. 33142. Sample Nos. 17834-L to 17837-L, incl.)**

**LIBEL FILED:** May 20, 1952, Southern District of California.

**ALLEGED SHIPMENT:** Between the approximate dates of December 21, 1951, and January 25, 1952, by the Viking Fisheries, from Winnipeg, Canada.

**PRODUCT:** 924 125-pound boxes of frozen tullibeas at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** July 14, 1952. Default decree of condemnation. The court ordered that the product be sold to be denatured for use as fertilizer.

**19267. Adulteration and misbranding of canned tuna. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 33221. Sample No. 8732-L.)**

**LIBEL FILED:** April 29, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about November 23, 1951, by Wilbur-Ellis Co., Inc., from New Bedford, Mass.

**PRODUCT:** 7 cases, each containing 48 7-ounce cans, of canned tuna at Syracuse, N. Y.

**RESULTS OF INVESTIGATION:** The product was shipped in unlabeled cans to Brooklyn, N. Y., and labeled there by Wilbur-Ellis Co., Inc., and reshipped to Syracuse, N. Y., on or about January 28, 1952.

**LABEL, IN PART:** "Red & White Brand Fancy Solid Pack Light Meat Tuna Contents 7 Oz. Avoir. Product of Peru."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

Misbranding, Section 403 (a), the label statements "Fancy \* \* \* Product of Peru" were false and misleading since the product consisted of low quality tuna and was of domestic origin; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than 7 ounces. The product was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: June 5, 1952. Default decree of condemnation and destruction.

19268. Adulteration of frozen shrimp. U. S. v. 156 Cases \* \* \*. (F. D. C. No. 33568. Sample No. 3549-L.)

LIBEL FILED: September 3, 1952, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 9, 1952, by Union Fisheries, Inc., from Biloxi, Miss.

PRODUCT: 156 cases, each containing 10 5-pound packages, of frozen shrimp at Norfolk, Va.

LABEL, IN PART: (Package) "Gulffresh Brand Frozen Fresh Shellfish Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: November 21, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

19269. Adulteration of dried pears. U. S. v. 20 Cases \* \* \*. (F. D. C. No. 33216. Sample No. 27278-L.)

LIBEL FILED: On or about April 29, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about April 1, 1952, by Rosenberg Bros. & Co., Inc., from Alameda, Calif.

PRODUCT: 20 25-pound cases of dried pears at Baltimore, Md.

LABEL, IN PART: "Iris Brand California Dried Choice Halved Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, insect parts, and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 4, 1952. Default decree of condemnation and destruction.

19270. Adulteration of seedless raisins. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 33442. Sample No. 35147-L.)

LIBEL FILED: July 2, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about February 27, 1952, from Fresno, Calif.

PRODUCT: 18 30-pound cases of seedless raisins at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** August 25, 1952. Default decree of condemnation. The court ordered that the product be denatured and disposed of for use as animal feed or be destroyed.

### FROZEN FRUIT

**19271. Adulteration of frozen cherries. U. S. v. 624 Cans \* \* \*. (F. D. C. No. 33040. Sample No. 49732-L.)**

**LIBEL FILED:** April 16, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 11, 1952, by the Smeltzer Orchard Co., from Elberta, Mich.

**PRODUCT:** 624 30-pound cans of frozen cherries at Hillside, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten cherries.

**DISPOSITION:** July 11, 1952. Default decree of condemnation and destruction.

### VEGETABLES

**19272. Adulteration of dried pinto beans. U. S. v. 151 Bags \* \* \*. (F. D. C. No. 33056. Sample No. 6817-L.)**

**LIBEL FILED:** April 8, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 9 and November 14, 1951, from Baltimore, Md., and North Kansas City, Mo.

**PRODUCT:** 151 100-pound bags of dried pinto beans at Geneva, N. Y., in the possession of Cooperative G. L. F. Marketing Service, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 6, 1952. Cooperative G. L. F. Marketing Service, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

60 bags of the dried pinto beans were found unfit and were ground into meal for use as rabbit food pellets.

**19273. Misbranding of canned mushrooms. U. S. v. 233 Cases \* \* \*. (F. D. C. No. 32917. Sample No. 27341-L.)**

**LIBEL FILED:** April 2, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 4 and November 27, 1951, by the K. B. Products Corp., from Hudson, N. Y.

**PRODUCT:** 233 cases, each containing 24 cans, of mushrooms at San Francisco, Calif.

**LABEL, IN PART:** "Knaust Cavern Brand Sliced Mushrooms Drained Wgt. 2 Oz. Net Avd."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Wgt. 2 Oz. Net Avd." was false and misleading since the drained weight of the article was less than 2 ounces.

DISPOSITION: September 5 and 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

### TOMATOES AND TOMATO PRODUCTS

19274. Adulteration of canned tomatoes. U. S. v. 795 Cases, etc. (F. D. C. No. 33261. Sample Nos. 37635-L, 37636-L.)

LIBEL FILED: May 21, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about April 7, 1952, by Thomas Roberts & Co., from Winter Haven, Fla.

PRODUCT: 921 cases, each containing 48 10-ounce cans, of tomatoes at Elizabeth, N. J.

LABEL, IN PART: "Pride of the Farm Brand" or "Roberts Big R Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and 795 cases of the product also consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 11, 1952. Default decree of condemnation and destruction.

19275. Misbranding of canned tomatoes. U. S. v. 51 Cases \* \* \*. (F. D. C. No. 33264. Sample No. 3236-L.)

LIBEL FILED: May 20, 1952, District of Columbia.

PRODUCT: 51 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Washington, D. C.

The product was held and intended for sale in commerce within the District of Columbia.

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement that it fell below the standard.

DISPOSITION: August 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to an institution.

19276. Adulteration of tomato puree. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 33232. Sample No. 33032-L.)

LIBEL FILED: May 7, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about September 18, 1951, by the Hollister Canning Co., from Hollister, Calif.

PRODUCT: 10 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: "Felice Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

DISPOSITION: May 26, 1952. Default decree of condemnation and destruction.



**19277. Adulteration of tomato juice. U. S. v. 131 Cases \* \* \*. (F. D. C. No. 33224. Sample No. 1977-L.)**

**LIBEL FILED:** April 29, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about February 19, 1952, by the Bercut-Richards Packing Co., from Sacramento, Calif.

**PRODUCT:** 131 cases, each containing 48 5½-ounce cans, of tomato juice at Miami, Fla.

**LABEL, IN PART:** "Sacramento Brand California Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

**DISPOSITION:** June 2, 1952. Default decree of forfeiture and destruction.

## NUTS

**19278. Adulteration of unshelled almonds. U. S. v. 50 Bags \* \* \*. (F. D. C. No. 32939. Sample No. 25995-L.)**

**LIBEL FILED:** March 6, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 20, 1951, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

**PRODUCT:** 50 80-pound bags of unshelled almonds at Philadelphia, Pa.

**LABEL, IN PART:** (Bag) "Ensign Brand California Ne-Plus Almonds."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested almonds, and it was otherwise unfit for food by reason of the presence of gummy and shriveled nuts.

**DISPOSITION:** April 9, 1952. Rosenberg Bros. & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The reconditioning operations, consisting of sorting and shelling the nuts, produced 1,880 pounds of almond meats, 108 pounds of gummy and wormy nuts, and 2,172 pounds of shells.

**19279. Adulteration of shelled almonds and potato culture. U. S. v. 50 Pounds, etc. (F. D. C. No. 32855. Sample Nos. 48254-L, 48255-L.)**

**LIBEL FILED:** March 11, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** Between January 1 and July 1, 1951, from San Francisco, Calif.

**PRODUCT:** 50 pounds of shelled almonds and 90 pounds of potato culture at Montevideo, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 29, 1952. Default decree of destruction. (No seizure was made of the potato culture since that product had been destroyed.)

**19280. Adulteration of cashew nuts. U. S. v. 6 Cases, etc.** (F. D. C. No. 33243. Sample Nos. 37817-L, 37818-L, 37820-L.)

**LIBEL FILED:** May 8, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 20 and December 21, 1950, from India.

**PRODUCT:** 81 cases, each containing 2 25-pound cans, of cashew nuts at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 10, 1952. Wm. A. Camp Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Federal Security Agency. 3,812 pounds of the nuts were salvaged and the remainder destroyed.

**19281. Adulteration of shelled pecans. U. S. v. 19 Cartons \* \* \*. (F. D. C. No. 33258. Sample No. 3235-L.)**

**LIBEL FILED:** May 16, 1952, District of Columbia.

**ALLEGED SHIPMENT:** On or about December 4, 1951, from Albany, Ga.

**PRODUCT:** 19 cartons, each containing 30 pounds of shelled pecans at Washington, D. C., in the possession of the Terminal Storage Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a zoological park.

## OILS AND FATS

**19282. Adulteration and misbranding of table and cooking oil. U. S. v. 33 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 33146, 33147. Sample Nos. 33363-L, 33364-L.)**

**LIBELS FILED:** May 27, 1952, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about March 25 and 27, 1952, by the V. Formusa Co., from Chicago, Ill.

**PRODUCT:** 128 1-gallon cans of table and cooking oil at Milwaukee, Wis.

**LABEL, IN PART:** "Marconi Brand Contains 75% Cottonseed Oil 20% Olive Oil 5% Peanut Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted; and, Section 402 (b) (2), a mixture of corn oil and peanut oil with little or no olive oil had been substituted for a blend of 75 percent cottonseed oil, 20 percent olive oil, and 5 percent peanut oil.



Misbranding, Section 403 (a), the label statement "Contains 75% Cottonseed Oil 20% Olive Oil" was false and misleading.

DISPOSITION: July 31, 1952. Default decrees of condemnation and destruction.

19283. Adulteration and misbranding of table and cooking oil. U. S. v. 58 Cans \* \* \*. (F. D. C. No. 33156. Sample No. 33228-L.)

LIBEL FILED: June 3, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 12 and June 28, 1951, by the V. Formula Co., from Chicago, Ill.

PRODUCT: 58 1-gallon cans of table and cooking oil at Detroit, Mich.

LABEL, IN PART: "One Gallon Marconi Brand \* \* \* 75% Cottonseed Oil 20% Olive Oil 5% Peanut Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the product; and, Section 402 (b) (2), a mixture of corn oil and peanut oil with little or no olive oil had been substituted for a blend of 75 percent cottonseed oil, 20 percent olive oil, and 5 percent peanut oil.

Misbranding, Section 403 (a), the label statement "75% Cottonseed Oil 20% Olive Oil" was false and misleading since the product contained no cottonseed oil and little, if any, olive oil.

DISPOSITION: July 8, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

19284. Adulteration and misbranding of table and cooking oil. U. S. v. 56 Cans \* \* \*. (F. D. C. No. 33153. Sample No. 33365-L.)

LIBEL FILED: June 2, 1952, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about March 10, 1952, by the Columbus Packing Co., from Chicago, Ill.

PRODUCT: 56 1-gallon cans of table and cooking oil at Milwaukee, Wis.

LABEL, IN PART: "Columbus Brand \* \* \* An Excellent Blend of 80% Corn Oil and 20% Pure Imported Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the product; and Section 402 (b) (4), a vegetable oil containing less than 20 percent olive oil had been substituted for a blend of 80 percent corn oil and 20 percent olive oil.

Misbranding, Section 403 (a), the label statement "20% Pure \* \* \* Olive Oil" was false and misleading.

DISPOSITION: July 31, 1952. Default decree of condemnation and destruction.

19285. Misbranding of olive oil. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 32088. Sample Nos. 29518-L, 29535-L, 29537-L.)

LIBEL FILED: November 15, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about March 21 and June 25, 1951, by the Bonoil Packing Corp., from Brooklyn, N. Y.

PRODUCT: Olive oil. 24 cases, each containing 24 1/2-pint cans, and 20 cases, each containing 12 1-quart cans, at Seattle, Wash.

LABEL, IN PART: "Bon Olive Oil \* \* \* 1/2 Pint 8 Fl. Ozs. [or "1 Quart 32 Fl. Ozs."]."

**NATURE OF CHARGE:** Misbranding, Section 403 (a) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that the cans were short volume.)

**DISPOSITION:** February 25, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for repacking and relabeling, under the supervision of the Food and Drug Administration.

## POULTRY

**19286. Adulteration of dressed poultry. U. S. v. 285 Pounds \* \* \*. (F. D. C. No. 33241. Sample No. 38348-L.)**

**LIBEL FILED:** May 7, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 17, 1952, by the New Jersey Dressed Poultry Co., from Newfield, N. J.

**PRODUCT:** 285 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** May 26, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19287. Adulteration of dressed poultry. U. S. v. 3,899 Pounds \* \* \*. (F. D. C. No. 33227. Sample No. 38346-L.)**

**LIBEL FILED:** May 5, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 17, 1952, by the Delmarva Poultry Corp., from Milford, Del.

**PRODUCT:** 3,899 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** May 26, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19288. Adulteration of dressed poultry. U. S. v. 492 Pounds \* \* \*. (F. D. C. No. 33226. Sample No. 38347-L.)**

**LIBEL FILED:** May 2, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 16, 1952, by Rockland Poultry Co., Inc., from Rockland, Maine.

**PRODUCT:** 492 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** May 26, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.



**19289. Adulteration of dressed poultry. U. S. v. 116 Pounds \* \* \*. (F. D. C. No. 33223. Sample No. 38345-L.)**

**LIBEL FILED:** May 1, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 5, 1952, by the Orleans Poultry Co., from Owensboro, Ky.

**PRODUCT:** 116 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** May 26, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19290. Adulteration of dressed turkeys and dressed poultry. U. S. v. 195 Pounds, etc. (F. D. C. No. 33265. Sample Nos. 49494-L, 49495-L.)**

**LIBEL FILED:** May 23, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 29 and May 7, 1952, by the Penobscot Poultry Co., from Belfast, Maine.

**PRODUCT:** 195 pounds of dressed turkeys and 360 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of birds contaminated with fecal matter; of a decomposed substance by reason of the presence of (turkeys only) decomposed birds; and of birds that were otherwise unfit for food (poultry only) by reason of extensive bruises. Further adulteration, Section 402 (a) (5), the articles were in whole or in part the products of diseased animals.

**DISPOSITION:** June 11, 1952. Default decree of condemnation. The court ordered that samples of the products be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19291. Adulteration and misbranding of dressed chickens. U. S. v. 100 Crates \* \* \*. (F. D. C. No. 33255. Sample No. 49493-L.)**

**LIBEL FILED:** May 20, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 1, 1952, by Snow Hill Poultry Co., Inc., from Snow Hill, Md.

**PRODUCT:** 100 73-pound crates of dressed chickens at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The net weight statements on the crates containing the chickens were inaccurate since the crates were short of the declared weight.

**DISPOSITION:** June 28, 1952. The shipper, claimant, having consented to the entry of a decree, the court entered a judgment of condemnation and ordered that the product be released under bond for salvaging by cleaning and venting

the birds and relabeling the containers to show the correct weight, under the supervision of the Federal Security Agency.

**19292. Adulteration of dressed turkeys. U. S. v. 362 Pounds, etc. (F. D. C. No. 33254. Sample Nos. 49491-L, 49492-L.)**

**LIBEL FILED:** May 16, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 20, 23, and 24, 1952, by the Cavalier Poultry Corp., from Harrisonburg, Va.

**PRODUCT:** 943 pounds of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part (both lots) of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and (1 lot) of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds. Further adulteration, Section 402 (a) (5), the product was in whole or in part (1 lot) the product of a diseased animal.

**DISPOSITION:** June 11, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19293. Adulteration of dressed turkeys. U. S. v. 315 Pounds \* \* \*. (F. D. C. No. 33266. Sample No. 49496-L.)**

**LIBEL FILED:** May 22, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 8, 1952, by the H & H Poultry Co., from Selbyville, Del.

**PRODUCT:** 315 pounds of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** July 3, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19294. Adulteration of mustard seed. U. S. v. 22 Bags \* \* \*. (F. D. C. No. 33129. Sample No. 48478-L.)**

**LIBEL FILED:** May 10, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about April 28, 1951, from Havre, Mont.

**PRODUCT:** 22 100-pound bags of mustard seed at Minneapolis, Minn., in the possession of the McLaughlin, Gormley, King Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 6, 1952. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed or be destroyed.



**19295. Adulteration of paprika. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 32915. Sample No. 27449-L.)**

**LIBEL FILED:** April 2, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 19, 1951, from Valparaiso, Chile.

**PRODUCT:** 3 110-pound bags of paprika at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 22, 1952. Default decree of condemnation and destruction.

**19296. Adulteration of dried chili pods. U. S. v. 1,200 Pounds \* \* \*. (F. D. C. No. 33085. Sample No. 14211-L.)**

**LIBEL FILED:** April 23, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about February 9 and 21, 1952, by F. C. Barker & Co., from Mesilla Park, N. Mex.

**PRODUCT:** 1,200 pounds of dried chili pods at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy chili pods.

**DISPOSITION:** June 13, 1952. Default decree of condemnation and destruction.

**19297. Adulteration of salt. U. S. v. 47 Bags \* \* \*. (F. D. C. No. 32921. Sample No. 35555-L.)**

**LIBEL FILED:** March 28, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 5, 1951, from Manistee, Mich.

**PRODUCT:** 47 100-pound bags of salt at Thief River Falls, Minn., in the possession of United Industries, Inc., doing business as L. B. Hartz Bakery.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 13, 1952. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed or be destroyed.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\***

**19298. Adulteration and misbranding of vitamin B<sub>1</sub> tablets and vitamin B complex capsules. U. S. v. 9 Bottles, etc. (F. D. C. No. 33130. Sample Nos. 17708-L, 17709-L.)**

**LIBEL FILED:** May 13, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about December 18, 1951, by the Sherman Laboratories, from Detroit, Mich.

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\*See also No. 19254.

PRODUCT: 9 bottles of vitamin B<sub>1</sub> tablets, each bottle containing 1,000 tablets, and 9 bottles of vitamin B complex capsules, each bottle containing 100 capsules, at Los Angeles, Calif.

LABEL, IN PART: "1,000 C. T. Fenatrate-B Tablets Each Tablet Contains \* \* \* Vitamin B<sub>1</sub> (330 Int. Units)" and "100 B Complex Capsules Each Capsule Contains \* \* \* Vitamin B<sub>1</sub> (Thiamine Hydrochloride) 1.5 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in whole or in part omitted or abstracted from the products.

Misbranding, Section 403 (a), the label statements (Fenatrate-B tablets) "Each Tablet Contains \* \* \* Vitamin B<sub>1</sub> (330 Int. Units)" and (B complex capsules) "Each Capsule Contains \* \* \* Vitamin B<sub>1</sub> (Thiamine Hydrochloride) 1.5 mg.," were false and misleading since the products contained less than the labeled amounts of vitamin B<sub>1</sub>.

DISPOSITION: June 11, 1952. Default decree of condemnation and destruction.

**19299. Adulteration and misbranding of Vitl-Diet. U. S. v. 17 Tubes \* \* \*. (F. D. C. No. 33114. Sample No. 48262-L.)**

LABEL FILED: May 7, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about December 28, 1951, and February 13, 1952, by Foxbilt Feeds, from Des Moines, Iowa.

PRODUCT: 17 10-pound tubes of Vitl-Diet at Vermillion, Minn.

LABEL, IN PART: "Vitl-Diet 10 Lbs. Net \* \* \* Contains \* \* \* Riboflavin (80 Milligrams Per Lb.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, riboflavin, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Contains \* \* \* Riboflavin (80 Milligrams Per Lb.)" was false and misleading since the product contained less than 80 milligrams of riboflavin per pound.

DISPOSITION: August 25, 1952. Default decree of destruction.

**19300. Misbranding of blackstrap molasses. U. S. v. 15 Cartons \* \* \*. (F. D. C. No. 33111. Sample No. 48949-L.)**

LABEL FILED: May 1, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about April 8, 1952, by the Oelerich & Berry Co., from Chicago, Ill.

PRODUCT: 15 cartons, each containing 24 1-pound, 2-ounce bottles, of blackstrap molasses at Minneapolis, Minn.

LABEL, IN PART: (Bottle) "Oelerich Louisiana Blackstrap Molasses (One of the Five Wonder Foods) Generous in Nature's Vitamins and Minerals."

NATURE OF CHARGE: Misbranding, Section 403 (j), the product was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear such information concerning its vitamin and mineral properties as the Federal Security Administrator has determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses since its label failed to bear a statement of the kind and the quantities of vitamins and minerals supplied by the food when consumed in a specified quantity during a period of one day.

DISPOSITION: August 25, 1952. Default decree of destruction.



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# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19301-19350

#### FOODS

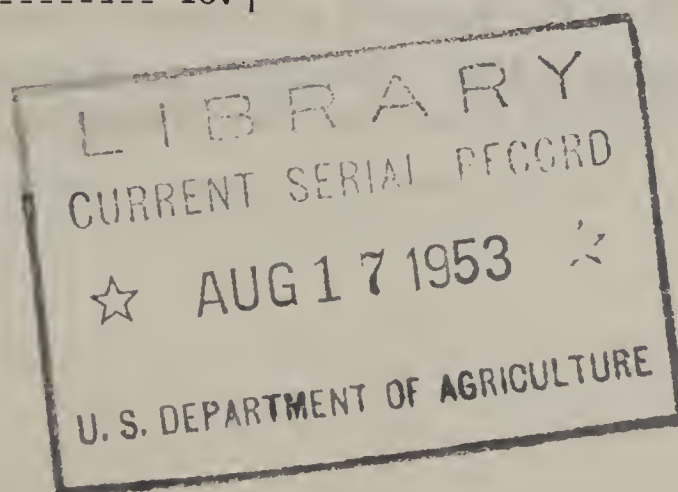
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 9, 1953.

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## CEREALS AND CEREAL PRODUCTS

## FLOUR

**19301. Adulteration of flour. U. S. v. 439 Bags \* \* \*. (F. D. C. No. 33333. Sample No. 2612-L.)**

**LIBEL FILED:** July 10, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 8, 1952, from Nampa, Idaho.

**PRODUCT:** 439 25-pound bags of flour at Augusta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent excreta, and roach parts; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

**19302. Adulteration of flour. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 33377. Sample No. 48991-L.)**

**LIBEL FILED:** June 2, 1952, District of North Carolina.

**ALLEGED SHIPMENT:** On or about February 15, 1952, from Great Falls, Mont.

**PRODUCT:** 20 100-pound bags of flour at Bismarck, N. Dak., in the possession of the Bismarck Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 20, 1952. Default decree of condemnation and destruction.

**19303. Adulteration of flour and mixed unshelled nuts. U. S. v. 33 Bags, etc. (F. D. C. No. 33342. Sample Nos. 2316-L to 2318-L, incl.)**

**LIBEL FILED:** July 9, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** Between the approximate dates of November 7, 1951, and May 18, 1952, from Louisville, Ky., Enid, Okla., and Chicago, Ill.

**PRODUCT:** 63 bags, each containing 25 pounds, of flour and 9 cases, each containing 24 1-pound bags, of mixed unshelled nuts at Ocala, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the flour consisted in whole or in part of a filthy substance by reason of the presence of insects in the flour, and the nuts consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 8, 1952. Default decree of condemnation. The court ordered that the products be delivered to a Federal institution, for use as animal feed.



## MISCELLANEOUS CEREALS

19304. Adulteration of corn. U. S. v. 119,240 Pounds \* \* \*. (F. D. C. No. 33662. Sample No. 15248-L.)

LIBEL FILED: August 26, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about August 7, 1952, by the Farmers Grain Co., from Onawa, Iowa.

PRODUCT: 119,240 pounds of corn at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, tetrachlorobenzoquinone, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: August 30, 1952. The Farmers Cooperative Elevator Co. and the Pfister Hybrid Corn Co., joint claimants, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was washed.

19305. Adulteration of wheat. U. S. v. 90,000 Pounds \* \* \*. (F. D. C. No. 33393. Sample No. 48898-L.)

LIBEL FILED: June 12, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about May 26, 1952, by the W. E. Kurle Elevator, McLaughlin, S. Dak.

PRODUCT: 90,000 pounds of wheat at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: June 13 and 16, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for distillation into alcohol, under the supervision of the Federal Security Agency. The product was made into industrial alcohol.

## CONFECTIONERY AND SIRUP

## CONFECTIONERY

19306. Adulteration of candy. U. S. v. 148 Cases, etc. (F. D. C. No. 33296. Sample Nos. 6387-L to 6389-L, incl.)

LIBEL FILED: June 13, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 10 and 16, 1952, by the Voneiff-Drayer Co., from Baltimore, Md.

PRODUCT: Candy. 657 1-pound boxes, 925 1¾-pound boxes, and 2,362 4-pound boxes at Boston, Mass.

LABEL, IN PART: "Homewood Assorted Milk Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its strong, musty odor and taste.

DISPOSITION: July 21, 1952. Default decree of condemnation and destruction.

19307. Adulteration of candy. U. S. v. 92 Boxes \* \* \*. (F. D. C. No. 33401. Sample No. 7923-L.)

LIBEL FILED: June 16, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 16, 1952, by the Liberty Chocolate Co., from Boston, Mass.

PRODUCT: 92 boxes of candy at Pittsburgh, Pa.

LABEL, IN PART: (Box) "120 Count 1 Cent Each Pie Plates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent excreta, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 29, 1952. Default decree of condemnation and destruction.

19308. Adulteration of glazed apricots. U. S. v. 282 Cases \* \* \*. (F. D. C. No. 33277. Sample Nos. 38371-L, 38373-L.)

LIBEL FILED: May 27, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about December 31, 1951, by the Terrace Candy Co., from Lancaster, Pa.

PRODUCT: 282 cases, each containing 30 pounds, of glazed apricots at Paterson, N. J.

LABEL, IN PART: (Case) "Net Weight 30 Lbs. Foodex Glazed Apricots Product of Cuba."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and webbing.

DISPOSITION: July 21, 1952. Default decree of condemnation and destruction.

### SIRUP

19309. Adulteration and misbranding of sorghum sirup. U. S. v. 186 Cans \* \* \*. (F. D. C. No. 33379. Sample No. 43812-L.)

LIBEL FILED: June 2, 1952, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about January 15, 1952, from Wichita Falls, Tex., by Turner Produce.

PRODUCT: 186 cans of sorghum sirup at Elk City, Okla.

LABEL, IN PART: "1 Quart, 1 Pint Turner's Country Made Iowa Sorghum Brand Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), dextrose and water had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (a), the label statement "Sorghum \* \* \* Syrup" was false and misleading as applied to a mixture containing dextrose and water; Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the



label statement "1 Quart, 1 Pint" was inaccurate (the article was short volume).

**DISPOSITION:** July 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**19310. Adulteration of sirup (edible molasses). U. S. v. 275 Tins \* \* \*.**  
(F. D. C. No. 33612. Sample No. 65234-L.)

**LIBEL FILED:** August 1, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 24, 1947, from Ogden, Utah.

**PRODUCT:** 275 tins, each containing 54 pounds, of sirup (edible molasses) at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, and of a filthy substance by reason of the presence of insects and rodent hairs. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 24, 1952. Default decree of condemnation. The court ordered that the product be destroyed unless denatured for use as animal feed, under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **No. 19311**; that was below the legal standard for milk fat content, **Nos. 19312 to 19319**.

**19311. Adulteration of butter. U. S. v. 48 Cases, etc. (F. D. C. No. 33356.**  
Sample Nos. 44225-L, 44226-L.)

**LIBEL FILED:** July 24, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 11, 1952, by American Dairies, Inc., from Kansas City, Mo.

**PRODUCT:** Butter. 48 cases, each containing 32 1-pound packages, 21 cases, each containing 6 5-pound cartons, and 1 carton, containing 5 pounds, at Boston, Mass.

**LABEL, IN PART:** (Portion) "Penn Valley Brand Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance. (Examination disclosed that the product was made from filthy and decomposed cream.)

**DISPOSITION:** August 18, 1952. Default decree of condemnation and destruction.

**19312. Adulteration of butter. U. S. v. 156 Boxes (9,984 pounds) \* \* \*.**  
(F. D. C. No. 33376. Sample No. 33723-L.)

**LIBEL FILED:** May 20, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 10, 1952, by the Fort Dodge Creamery Co., from Fort Dodge, Iowa.

**PRODUCT:** 156 boxes, each containing 64 pounds, of butter at Chicago, Ill.

**LABEL, IN PART:** "Butter L. D. Schreiber & Co., Inc. Sales Agent for The Marketing Association of America Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 28, 1952. The Marketing Association of America, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for re-churning under the supervision of the Federal Security Agency.

19313. Adulteration of butter. U. S. v. 33 Boxes (2,178 pounds) \* \* \*.  
(F. D. C. No. 33357. Sample No. 48866-L.)

LIBEL FILED: June 30, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 20, 1952, by the Nimrod Cooperative Creamery, from Nimrod, Minn.

PRODUCT: 33 66-pound boxes of butter at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 16, 1952. C. W. Dunnet & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reworked, under the supervision of the Food and Drug Administration.

19314. Adulteration of butter. U. S. v. 32 Boxes (2,048 pounds) \* \* \*. (F. D. C. No. 33372. Sample No. 48290-L.)

LIBEL FILED: June 2, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about May 23, 1952, by the Clear Lake Creamery & Produce, from Clear Lake, S. Dak.

PRODUCT: 32 boxes, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. R. Kramer, Inc. New York N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 19, 1952. J. R. Kramer, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

19315. Adulteration of butter. U. S. v. 31 Cartons (1,860 pounds) \* \* \*.  
(F. D. C. No. 33373. Sample No. 36852-L.)

LIBEL FILED: June 2, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about May 19, 1952, by the Union Farmers Creamery Co., from Monona, Iowa.

PRODUCT: 31 60-pound cartons of butter at Jersey City, N. J.

LABEL, IN PART: "The Great A & P Tea Co. New York Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 29 and September 19, 1952. The Union Farmers Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be reworked, under the supervision of the Food and Drug Administration. 1,815 pounds of butter were salvaged.



**19316. Adulteration of butter. U. S. v. 29 Cartons (1,740 pounds) \* \* \*.**

(F. D. C. No. 33374. Sample No. 33716-L.)

**LIBEL FILED:** April 29, 1952, Southern District of Ohio.**ALLEGED SHIPMENT:** On or about April 21, 1952, by the John Wuethrich Creamery Co., from Greenwood, Wis.**PRODUCT:** 29 60-pound cartons of butter at Columbus, Ohio.**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.**DISPOSITION:** June 12, 1952. The John Wuethrich Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency. The product was rechurned so that it would contain the proper amount of milk fat.**19317. Adulteration of butter. U. S. v. 14 Boxes, etc. (1,664 pounds, total).**

(F. D. C. No. 33375. Sample Nos. 7718-L, 7719-L.)

**LIBEL FILED:** May 16, 1952, Western District of New York.**ALLEGED SHIPMENT:** On or about May 9, 1952, by Land O'Lakes Creameries, Inc., from Minneapolis, Minn.**PRODUCT:** 26 64-pound boxes of butter at Buffalo, N. Y.**LABEL, IN PART:** "Butter - Distributed By Land O'Lake Creameries, Inc. Genl. Offices, Minneapolis, Minn."**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.**DISPOSITION:** May 28, 1952. Land O'Lakes Creameries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The product was reworked so that it would contain the proper amount of milk fat.**19318. Adulteration of butter. U. S. v. 25 Boxes (1,600 pounds) \* \* \*. (F. D. C.**

No. 33363. Sample No. 49000-L.)

**LIBEL FILED:** June 13, 1952, Northern District of Ohio.**ALLEGED SHIPMENT:** On or about June 7, 1952, by Swift & Co., from Montevideo, Minn.**PRODUCT:** 25 64-pound boxes of butter at Lima, Ohio.**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.**DISPOSITION:** July 11, 1952. John E. Landsberger, Sisseton, S. Dak., claimant, having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.**19319. Adulteration of butter. U. S. v. 12 Boxes (768 pounds) \* \* \*. (F. D. C.**

No. 33371. Sample No. 48897-L.)

**LIBEL FILED:** June 11, 1952, Northern District of Illinois.**ALLEGED SHIPMENT:** On or about May 28, 1952, by the Farmers Cooperative Creamery Co., from Volga, S. Dak.

PRODUCT: 12 boxes, each containing 64 pounds, of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 11, 1952. The H. C. Christians Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

## FISH AND SHELLFISH

19320. Adulteration of frozen catfish fillets. U. S. v. 257 Cases \* \* \*. (F. D. C. No. 33228. Sample No. 6681-L.)

LIBEL FILED: May 1, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 16, 1952, by the North Star Food Products, from New York, N. Y.

PRODUCT: 257 cases, each containing 8 7-pound blocks, of frozen catfish fillets at Gloucester, Mass.

LABEL, IN PART: (Portion) "Prime Sea Bounty Fillets Produced By: Stirk Bros. Ltd. Hull, England."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: August 18, 1952. Default decree of condemnation and destruction.

19321. Adulteration and misbranding of canned tuna. U. S. v. 109 Cases, etc. (F. D. C. No. 32967. Sample Nos. 38428-L to 38430-L, incl., 38591-L, 38592-L.)

LIBEL FILED: March 24, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 23, 1951, by Wilbur-Ellis Co., Inc., from New Bedford, Mass.

PRODUCT: 835 cases, each containing 48 unlabeled cans, and 54 cases, each containing 48 labeled cans, of tuna at Brooklyn, N. Y.

The product was packed in 6½-ounce, 7-ounce, and 13-ounce cans. The 54-case lot of the product was labeled by Wilbur-Ellis Co., Inc., at Brooklyn, N. Y.

LABEL, IN PART: (Portion) "Tuna Fish Light Meat Fancy Product of Peru Sweet Life Contents 7 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all lots of the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article (all lots) was adulterated when introduced into and while in interstate commerce.

Misbranding, Section 403 (e) (2), the 54-case lot of the product failed to bear a label containing an accurate statement of the quantity of the contents. (It was short of the declared weight.) This lot was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 5, 1952. Wilbur-Ellis Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 78 cases of the product were found to be fit for human consumption and were released. The remainder of the product was destroyed.



**19322. Adulteration of canned tuna. U. S. v. 47 Cases \* \* \*. (F. D. C. No. 33269. Sample No. 5967-L.)**

**LIBEL FILED:** May 21, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 15, 1951, from New York. N. Y.

**PRODUCT:** 47 cases, each containing 48 15½-ounce cans, of tuna at Lawrence. Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was undergoing chemical decomposition.) The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 21, 1952. Default decree of condemnation and destruction.

**19323. Adulteration of crabmeat. U. S. v. 14 Pounds, etc. (F. D. C. Nos. 33360, 33361. Sample Nos. 57217-L to 57219-L, incl.)**

**LIBELS FILED:** June 30, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 25, 1952, by J. H. Fleming & Co., from Phoebus, Va.

**PRODUCT:** 146 pounds of crabmeat at Baltimore, Md. Examination showed that the product was contaminated with *B. coli* of fecal origin and was produced under insanitary conditions.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article was produced under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 24, 1952. Default decrees of condemnation and destruction.

**19324. Adulteration of crabmeat. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 33369. Sample Nos. 57215-L, 57216-L.)**

**LIBEL FILED:** June 30, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 25, 1952, by J. H. Fleming & Co., from Portsmouth, Va.

**PRODUCT:** 1 barrel containing 76 pounds of crabmeat at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product was prepared under insanitary conditions whereby it may have become contaminated with *B. coli* of human fecal origin.

**DISPOSITION:** August 20, 1952. Default decree of condemnation and destruction.

**19325. Adulteration of crabmeat. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 33359. Sample Nos. 4112-L to 4114-L, incl.)**

**LIBEL FILED:** July 24, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 22, 1952, by the Wilson Seafood Co. from Deal Island, Md.

**PRODUCT:** 1 barrel containing 57 1-pound cans of crabmeat at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with *B. coli* of human origin.

**DISPOSITION:** August 20, 1952. Default decree of condemnation and destruction.

**19326. Adulteration of canned shrimp. U. S. v. 541 Cases \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 33378, 33390, 33391, 33406, 33414. Sample Nos. 27683-L, 28207-L to 28210-L, incl., 41923-L.)

**LIBELS FILED:** June 9, 13, and 24, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about April 30, 1952, by the Morgan City Canning Co., from Houma, La.

**PRODUCT:** Shrimp. 768 cases, each containing 24 4¾-ounce cans, together with 34 dozen 4¾-ounce cans, at San Francisco, Sacramento, Oakland, Stockton, and Marysville, Calif.

**LABEL, IN PART:** (Can) "Cher Amie Dry Pack Louisiana Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** July 1, 1952. The libel actions having been consolidated and the Norfish Sales Co., Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the good portion from the bad, under the supervision of the Federal Security Agency. As a result of the segregation operations, 438½ cases were found unfit for human consumption and were destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19327. Adulteration of canned cherries. U. S. v. 392 Cans \* \* \*. (F. D. C. No. 33449. Sample No. 7720-L.)**

**LIBEL FILED:** July 1, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 30, 1949, from Fruitvale, Calif.

**PRODUCT:** 392 cans, each containing 1 pound, 13 ounces, of cherries at Du Bois, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 8, 1952. Default decree of condemnation and destruction.

**19328. Misbranding of canned mangoes in sirup. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 33270. Sample Nos. 37828-L, 37834-L.)**

**LIBEL FILED:** May 23, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 28, 1951, by the Puerto Rico Fruit Products Corp., from Rio Piedras, Puerto Rico.

**PRODUCT:** 44 cases, each containing 24 jars, of mangoes in sirup at New York, N. Y.

**LABEL, IN PART:** "Mango In Heavy Syrup \* \* \* Goya \* \* \* Net Weight 12 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that the product was short of the declared weight.)

**DISPOSITION:** July 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.



## DRIED FRUIT

**19329. Adulteration of evaporated sliced apples. U. S. v. 93 Cases \* \* \*.**  
(F. D. C. No. 33200. Sample No. 33875-L.)

**LIBEL FILED:** April 30, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about March 10, 1952, by the Mayfair Packing Co., from San Jose, Calif.

**PRODUCT:** 93 50-pound cases of evaporated sliced apples at Chicago, Ill.

**LABEL, IN PART:** "Extra Choice California Jonathan Sliced Apples."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 19, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

**19330. Adulteration of prunes. U. S. v. 48 Cases \* \* \*.** (F. D. C. No. 33660. Sample No. 22712-L.)

**LIBEL FILED:** August 25, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 4, 1952, by Rosenberg Bros., Inc., from Santa Clara, Calif.

**PRODUCT:** 48 25-pound cases of prunes at New Orleans, La.

**LABEL, IN PART:** "Crescent Brand Pitted Prunes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** September 25, 1952. Default decree of condemnation and destruction.

**19331. Adulteration of raisins. U. S. v. 847 Boxes \* \* \*.** (F. D. C. No. 33281. Sample No. 4445-L.)

**LIBEL FILED:** On or about May 29, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about October 31, 1951, from Fresno, Calif.

**PRODUCT:** 847 boxes, each containing 30 pounds, of raisins at Baltimore, Md., in the possession of the Rukert Terminals Corp.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent excreta, and bird excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 3, 1952. The Rukert Terminals Corp., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be segregated and reconditioned in compliance with the law, under the supervision of the Food and Drug Administration. 708 boxes of raisins were salvaged and 81 were denatured.

## MISCELLANEOUS FRUIT PRODUCTS

19332. Adulteration of canned cranberry sauce. U. S. v. 16 Cases \* \* \*.  
(F. D. C. No. 33245. Sample No. 2119-L.)

**LIBEL FILED:** May 12, 1952, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about October 4, 1946, from Plymouth, Mass.

**PRODUCT:** 16 cases, each containing 24 1-pound cans, of cranberry sauce at Hickory, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 25, 1952. Default decree of condemnation and destruction.

19333. Adulteration and misbranding of canned grapefruit juice. U. S. v. 221 Cases \* \* \*. (F. D. C. No. 33344. Sample No. 41346-L.)

**LIBEL FILED:** July 15, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 13, 1946, from Houston, Tex.

**PRODUCT:** 221 cases, each containing 6 3-quart cans, of grapefruit juice at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was otherwise unfit for food by reason of its bitter metallic taste and dark muddy appearance.

Misbranding, Section 403 (a), the statement "Grade A Fancy" which appeared on the label was false and misleading. (Examination disclosed that the product was undergoing decomposition.)

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 21, 1952. Default decree of condemnation and destruction.

19334. Misbranding of fruit spreads. U. S. v. 11 Cases, etc. (F. D. C. No. 33385. Sample Nos. 33357-L to 33359-L, incl.)

**LIBEL FILED:** June 10, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about May 18 and August 31, 1951, and April 4, 1952, by the Milwaukee Preserve and Flavor Co., from Milwaukee, Wis.

**PRODUCT:** 11 cases of strawberry spread, 5 cases of red raspberry spread, and 4 cases of grape spread at Escanaba, Mich. Each case contained 12 2-pound jars.

**LABEL, IN PART:** "Top Hat Spread Strawberry [or "Red Raspberry" or "Grape"]."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the articles purported to be and were represented as strawberry jam, red raspberry jam, and grape jam, foods for which definitions and standards of identity have been prescribed by regulations, and the articles failed to conform to such definitions and standards. The articles contained less fruit than prescribed by the definitions and standards of identity and less than 68 percent soluble solids, the minimum permitted by the definitions and standards. In addition, all articles contained artificial colors, and the articles (strawberry spread and grape spread) contained artificial flavors, which colors and flavors are not



permitted as ingredients of fruit jams by the definitions and standards of identity.

**DISPOSITION:** July 3, 1952. Default decree of condemnation and destruction. On July 14, 1952, the court entered an amended decree to provide for the delivery of the products to a charitable institution.

### VEGETABLES

**19335. Adulteration of frozen artichokes. U. S. v. 9 Cases, etc. (F. D. C. No. 33382. Sample Nos. 42271-L, 42272-L.)**

**LIBEL FILED:** June 3, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about May 22, 1952, by American Factors, Ltd., from San Francisco, Calif.

**PRODUCT:** Frozen artichokes. 9 cases, each containing 6 3-pound packages, and 24 cases, each containing 36 7-ounce packages, at Honolulu, T. H.

**LABEL, IN PART:** "Rose Frozen Brand California Artichokes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** September 9, 1952. Default decree of condemnation and destruction.

**19336. Misbranding of canned cut green beans. U. S. v. 158 Cases \* \* \*. (F. D. C. No. 33404. Sample No. 18427-L.)**

**LIBEL FILED:** June 19, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 25, 1952, by Stokely Foods, Inc., from Bellingham, Wash.

**PRODUCT:** 158 cases, each containing 24 1-pound cans, of cut green beans at Los Angeles, Calif.

**LABEL, IN PART:** "Newport Brand Cut Green Beans."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for cut green beans since there were present pods or pieces of pods 27/64 inch or more in diameter and since the product contained an excessive number of tough strings.

**DISPOSITION:** July 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable organizations.

**19337. Adulteration of split peas and sesame seed. U. S. v. 8 Bags, etc. (F. D. C. No. 33465. Sample Nos. 65232-L, 65233-L.)**

**LIBEL FILED:** July 11, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 16, 1951, and January 21, 1952, from Sterling, Colo., and Chicago, Ill.

**PRODUCT:** 8 100-pound bags of split peas and 1 160-pound bag of sesame seed at St. Paul, Minn., in the possession of the Security Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine in the split peas and insects in the sesame seed; and, Section 402 (a) (4), the split peas had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: August 28, 1952. The court entered a default decree providing for the destruction of the product unless properly denatured for use as animal feed.

### TOMATOES AND TOMATO PRODUCTS

19338. Adulteration of canned tomatoes. U. S. v. 599 Cases \* \* \*. (F. D. C. No. 33274. Sample No. 54035-L.)

LIBEL FILED: June 2, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 18, 1952, by Roberts Bros., Inc., from Winter Haven, Fla.

PRODUCT: 599 cases, each containing 48 10-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Roberts Big R Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: July 29, 1952. Default decree of condemnation and destruction.

19339. Adulteration of tomato juice. U. S. v. 373 Cases \* \* \*. (F. D. C. No. 33208. Sample No. 38596-L.)

LIBEL FILED: April 28, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 23, 1952, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 373 cases, each containing 48 5½-ounce cans, of tomato juice at Brooklyn, N. Y.

LABEL, IN PART: "Sacramento Brand California Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

DISPOSITION: October 14 and 22, 1952. The court entered default decrees of condemnation and ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

19340. Adulteration of tomato puree. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 33294. Sample No. 39721-L.)

LIBEL FILED: June 17, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about May 12, 1952, by Hunt Foods, Inc., from Fullerton, Calif.

PRODUCT: 98 cases, each containing 6 6-pound, 12-ounce cans, of tomato puree at Newark, N. J.

LABEL, IN PART: (Can) "Hunt's Tomato Puree Net Weight 6 lbs. 12 ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: August 8, 1952. Default decree of condemnation and destruction.



**POULTRY**

**19341. Adulteration of dressed poultry. U. S. v. 1,385 Pounds \* \* \*. (F. D. C. No. 33285. Sample No. 49500-L.)**

**LIBEL FILED:** June 6, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 20, 1952, by the Maplewood Packing Co., from Belfast, Maine.

**PRODUCT:** 1,385 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance, diethylstilbestrol, which is unsafe within the meaning of the law.

**DISPOSITION:** July 17, 1952. Producers Distributing Agency, Inc., New York, N. Y., agent for the shipper, having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the poultry be released under bond for salvaging by removal of the necks and evisceration. 1,085 pounds of the poultry were salvaged.

**19342. Adulteration of dressed poultry. U. S. v. 175 Pounds \* \* \*. (F. D. C. No. 33284. Sample No. 49498-L.)**

**LIBEL FILED:** June 6, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 14, 1952, by John T. Kessler, from Farmingdale, N. J.

**PRODUCT:** 175 pounds of dressed poultry in 3 crates at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** July 3, 1952. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19343. Adulteration of frozen dressed ducks. U. S. v. 85 Crates \* \* \*. (F. D. C. No. 33088. Sample No. 27570-L.)**

**LIBEL FILED:** May 22, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 25, 1952, by Kingan & Co., from Omaha, Nebr.

**PRODUCT:** 85 crates of frozen dressed ducks at San Francisco, Calif. Each crate contained 4 to 6 ducks.

**LABEL, IN PART:** "Stamper Anchor Poultry Grade C F. M. Stamper Moberly, Mo. Distributor."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of ducks which were contaminated with fecal material and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** August 22, 1952. Default decree of condemnation and destruction.

**19344. Adulteration of dressed turkeys. U. S. v. 285 Pounds \* \* \*. (F. D. C. No. 33283. Sample No. 38374-L.)**

**LIBEL FILED:** June 3, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 19, 1952, by the Orleans Poultry Co., from Owensboro, Ky.

**PRODUCT:** 285 pounds of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds.

**DISPOSITION:** July 3, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS\*

**19345. Adulteration of red peppers. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 32453. . Sample No. 38007-L.)**

**LIBEL FILED:** January 30, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 17, 1949, from Turkey.

**PRODUCT:** 40 bags, each containing 110 pounds, of red peppers at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 24, 1952. Consent decree of condemnation and destruction.

**19346. Adulteration and misbranding of lemon oil. U. S. v. 17 Cans \* \* \*. (F. D. C. No. 32972. Sample No. 26573-L.)**

**LIBEL FILED:** March 24, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 24 and December 5 and 7, 1951, by P. R. Dreyer, Inc., from New York, N. Y.

**PRODUCT:** 17 25-pound cans of lemon oil at Reading, Pa.

**LABEL, IN PART:** "Cold Pressed Oil Lemon Extra Fine U. S. P."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), oil other than one expressed from the peel of lemons had been substituted in whole or in part for lemon oil U. S. P.

Misbranding, Section 403 (a), the label statement "Oil Lemon \* \* \* U. S. P." was false and misleading.

**DISPOSITION:** October 9, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured, under the supervision of the Food and Drug Administration.

**19347. Adulteration of spaghetti sauce. U. S. v. 45 Cases \* \* \*. (F. D. C. No. 33286. Sample No. 4041-L.)**

**LIBEL FILED:** On or about June 5, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about March 19, 1951, from Bridgeport, Pa.

**PRODUCT:** 45 cases, each containing 48 8-ounce cans, of spaghetti sauce at Baltimore, Md.

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\*See also No. 19337.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 1, 1952. Default decree of condemnation and destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**19348. Adulteration and misbranding of wafers of dicalcium phosphate and calcium gluconate with viosterol. U. S. v. 188 Boxes, etc. (F. D. C. No. 33271. Sample Nos. 37637-L, 37639-L to 37641-L, incl.)**

**LIBEL FILED:** May 26, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** Between the approximate dates of June 25, 1951, and April 23, 1952, by the Whitehall Pharmacal Co., from Elkhart, Ind.

**PRODUCT:** Wafers of dicalcium phosphate and calcium gluconate with viosterol. 188 boxes, each containing 200 wafers, and 1,200 boxes, each containing 60 wafers, at Bergenfield, N. J.

**LABEL, IN PART:** "Di-Calcium Phosphate and Calcium Gluconate with Viosterol \* \* \* Each wafer contains: \* \* \* Vitamin D—660 U. S. P. Units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statement "Each wafer contains: \* \* \* Vitamin D—660 U. S. P. Units" was false and misleading since the product contained less than the stated amount of vitamin D.

**DISPOSITION:** August 27, 1952. Ives-Cameron Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

**19349. Misbranding of Hope mineral tablets. U. S. v. 140 Tablets \* \* \*. (F. D. C. No. 32479. Sample No. 35289-L.)**

**LIBEL FILED:** February 1, 1952, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about December 12, 1951, by the Hope Co., from East St. Louis, Ill.

**PRODUCT:** 140 40-tablet bottles of Hope mineral tablets at Monroe, Wis.

**LABEL, IN PART:** (Bottle) "Hope Mineral Tablets Dietary Supplement Each tablet contains 20 mgm. of iron. Also traces of other minerals (extracted from a natural clay) plus ½ mgm. Vitamin B<sub>1</sub>, 1 mgm. Vitamin B<sub>2</sub>, and 5 mgm. Niacin." Some labels also declared "½ mcg. Vitamin B<sub>12</sub>."

**NATURE OF CHARGE:** Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content; and its label failed to bear such information concerning its vitamin and mineral properties as the Federal Security Administrator has determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses since its label bore the statement "Also traces of other minerals," and its label failed to bear, as required by the regulations, a statement of the kind and quantity of the other minerals present in a specified quantity of such food.

The article was alleged to be misbranded also under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3906.

DISPOSITION: March 6, 1952. Default decree of condemnation. The court ordered that the product be delivered to a local hospital.

19350. Misbranding of mineral tablets and nutritional tablets. U. S. v. 390 Bottles, etc. (F. D. C. No. 31635. Sample Nos. 31708-L to 31711-L, incl.)

LIBEL FILED: August 29, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 17 and June 4, 1951, by Ira Addison, M. D., from Springfield, Mo.

PRODUCT: 390 60-tablet bottles of mineral tablets and 570 30-tablet bottles of nutritional tablets at Congerville, Ill.

LABEL, IN PART: (Bottle) "Savoy Mineral Tablets Each Tablet Represents: Manganese sulfate 0.12 Gm., Magnesium sulfate 0.12 Gm., Copper sulfate 1.5 mg., Cobalt sulfate 6 mg., Iron sulfate 30 mg., Zinc sulfate 1. mg." and "Savoy Nutritional Tablets Each Tablet contains: Dicalcium Phosphate (Calcium Phosphate Diabasic) 7½ Grains."

NATURE OF CHARGE: Misbranding, Section 403 (j), the articles purported to be and were represented as foods for special dietary uses by reason of their mineral content, and their labels failed to bear such information concerning their mineral properties as the Federal Security Administrator has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to their value for such uses. The label for the mineral tablets failed to review the fact, as required by the regulations, that the need for manganese, cobalt, and zinc in human nutrition has not been established. The label for the nutritional tablets failed to state, as the regulations require, the proportion of the minimum daily requirements for calcium and phosphorus supplied by the article when consumed in a specified quantity during a period of one day.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3915.

DISPOSITION: January 12, 1953. The Schrock Bros. Co., Congerville, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling, under the supervision of the Federal Security Agency.

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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19351-19400

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*  
WASHINGTON, D. C., *July 13, 1953.*

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**CEREALS AND CEREAL PRODUCTS****FLOUR**

**19351. Adulteration of pastry flour, whole wheat flour, and plain flour. U. S. v. 40 Bags, etc.** (F. D. C. No. 32913. Sample Nos. 27002-L to 27006-L, incl.)

**LIBEL FILED:** March 27, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 22, 1951, and January 31, 1952, from Seattle, Wash.

**PRODUCT:** 40 100-pound bags of pastry flour, 17 100-pound bags of whole wheat flour, and 152 100-pound bags of plain flour at Eureka, Calif., in the possession of the M. Vonsen Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the products had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 21, 1952. The Fisher Flouring Mills Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration. The products were denatured and used for animal feed.

**19352. Adulteration of flour and rice. U. S. v. 46 Bags, etc.** (F. D. C. No. 32888. Sample Nos. 35596-L, 35597-L.)

**LIBEL FILED:** March 24, 1952, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 15 and 17, 1951, and January 16, 1952, from Stuttgart, Ark., and Omaha, Nebr.

**PRODUCT:** 46 50-pound bags of flour and 67 25-pound bags and 10 100-pound bags of rice at Dubuque, Iowa, in the possession of the Western Grocer Division.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 30, 1952. Western Grocer, a division of the Consolidated Grocers Corp., Dubuque, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of approximately 10 pounds of flour and 106 pounds of rice as unfit.



**19353. Adulteration and misbranding of enriched flour. U. S. v. Blair Milling Co. Plea of nolo contendere. Fine of \$200 and costs. (F. D. C. No. 32723. Sample Nos. 4653-L, 11912-L.)**

**INFORMATION FILED:** August 7, 1952, District of Kansas, against the Blair Milling Co., a corporation, Atchison, Kans.

**ALLEGED SHIPMENT:** On or about December 4 and 12, 1951, from the State of Kansas into the States of West Virginia and Ohio.

**LABEL, IN PART:** "Enriched \* \* \* Moon Rose \* \* \* Flour Bleached Hubbard Grocery Co. Distributors Charleston, W. Va." and "Enriched \* \* \* Eavey's Cream Velvet oven-proved Red Turkey Wheat Flour The Eavey Company Richmond, Ind. Xenia, Ohio. Distributors."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, riboflavin, niacin, and (Moon Rose brand only) iron, had been in part omitted from the product.

Misbranding, Section 403 (a), certain statements on the labels, which represented and suggested that 8 ounces of the flour contained not less than 100 percent of the minimum daily requirements of the body for vitamin B<sub>1</sub>, not less than 30 percent of the minimum daily requirements of the body for riboflavin, and not less than 8 milligrams of niacin, and (Moon Rose brand only) not less than 65 percent of the minimum daily requirements of the body for iron, were false and misleading since the flour contained less than the stated proportions of the minimum daily requirements of the body for the stated substances, and 8 ounces of the flour contained less than 8 milligrams of niacin.

Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since it contained per pound less than 2.0 milligrams of thiamine, less than 1.2 milligrams of riboflavin, less than 16.0 milligrams of niacin, and (Moon Rose brand only) less than 13.0 milligrams of iron.

**DISPOSITION:** October 9, 1952. A plea of nolo contendere having been entered, the court fined the defendant \$200, together with costs.

#### MISCELLANEOUS CEREALS\*

**19354. Adulteration of rice. U. S. v. 726 Bags, etc. (F. D. C. No. 30760. Sample Nos. 1811-L to 1813-L, incl.)**

**LIBEL FILED:** March 6, 1951, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** Between the approximate dates of December 5, 1950, and January 23, 1951, from Stuttgart, Ark.

**PRODUCT:** Rice. 1,845 25-pound bags and 166 100-pound bags at Charleston, S. C., in the possession of Piggly Wiggly Wholesaler.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 27 and May 22, 1951. J. T. Newton, Jr., trading as Piggly Wiggly Wholesaler, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be

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\*See also No. 19352.

released under bond for segregating and denaturing for use as animal feed, or destruction of the unfit portion, under the supervision of the Food and Drug Administration. 63,300 pounds of the product were seized, and 14,850 pounds were released. The remaining 48,450 pounds were denatured for use as animal feed.

**19355. Adulteration of wheat. U. S. v. 114,600 Pounds \* \* \*. (F. D. C. No. 33441. Sample No. 48672-L.)**

**LIBEL FILED:** July 1, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 2, 1952, by the Farmers Union Grain Co., from Opheim, Mont.

**PRODUCT:** 114,600 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Food and Drug Administration. 109,320 pounds of cleaned grain were recovered, and 5,430 pounds of scourings and waste material were destroyed.

**19356. Adulteration of wheat. U. S. v. 121,800 Pounds \* \* \*. (F. D. C. No. 33425. Sample No. 49005-L.)**

**LIBEL FILED:** June 26, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 27, 1952, by the Grenora Farmers Elevator Co., from Grenora, N. Dak.

**PRODUCT:** 121,800 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring, under the supervision of a representative of the Federal Security Administrator. The product was reprocessed, and 1,710 pounds of scourings and broken kernels were eliminated and destroyed and 121,300 pounds were salvaged. (123,010 pounds had been seized.)

**19357. Adulteration of wheat. U. S. v. 114,000 Pounds \* \* \*. (F. D. C. No. 33419. Sample No. 49004-L.)**

**LIBEL FILED:** June 24, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 29, 1952, by the Farmers Grain Exchange, from Havre, Mont.

**PRODUCT:** 114,000 pounds of wheat at Minneapolis, Minn.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product (108,000 pounds) be released under bond to be reprocessed by scouring, under the supervision of the Federal Security Agency. Scouring operations resulted in the salvaging of 102,290 pounds. The unfit portion, 5,810 pounds, was destroyed by burning.

**19358. Adulteration of wheat. U. S. v. 91,800 Pounds \* \* \*. (F. D. C. No. 33395. Sample No. 48900-L.)**

**LIBEL FILED:** June 13, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 29, 1952, by the Farmers Cooperative Association, from Thunder Hawk, S. Dak.

**PRODUCT:** 91,800 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring, under the supervision of a representative of the Federal Security Administrator. Of the 92,000 pounds seized, 7,960 pounds of scourings and waste material were eliminated and destroyed.

**19359. Adulteration of wheat. U. S. v. 124,800 Pounds \* \* \*. (F. D. C. No. 33438. Sample No. 48673-L.)**

**LIBEL FILED:** June 28, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 12, 1952, by the Solen Equity Exchange, from Solen, N. Dak.

**PRODUCT:** 124,800 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 9, 1952. The Solen Equity Exchange, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by distillation into industrial alcohol, under the supervision of a representative of the Federal Security Administrator.

On September 10, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to per-

mit reprocessing of the grain by scouring. The wheat in the instant case and the wheat involved in the cases reported in notices of judgment on food, Nos. 19360 and 19361, were commingled for purposes of the scouring operations. As a result of such operations, 7,250 pounds of wheat were found unfit and were destroyed.

**19360. Adulteration of wheat. U. S. v. 90,000 Pounds, etc.** (F. D. C. No. 33467. Sample Nos. 48684-L, 48685-L.)

**LIBEL FILED:** July 15, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 3, 1952, by the International Elevator Co., from Joplin, Mont.

**PRODUCT:** 180,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 28, 1952. The International Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Federal Security Agency.

On September 10, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant in lieu of the International Elevator Co. and to permit reprocessing of the wheat by scouring. The wheat in the instant case and the wheat involved in the cases reported in notices of judgment on food, Nos. 19359 and 19361, were commingled for purposes of the scouring operations. As a result of such operations, 7,250 pounds of the wheat were found unfit and were destroyed.

**19361. Adulteration of wheat. U. S. v. 111,000 Pounds \* \* \*.** (F. D. C. No. 33471. Sample No. 65252-L.)

**LIBEL FILED:** July 15, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 20, 1952, by the Centennial Flouring Mills Co., from Havre, Mont.

**PRODUCT:** 111,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 30, 1952. The Centennial Flouring Mills Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed into industrial alcohol, under the supervision of the Federal Security Agency.

On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to permit reprocessing of the wheat by scouring. The wheat in the instant case and the wheat involved in the cases reported in notices of judgment on food, Nos. 19359 and 19360, were commingled for purposes of the scouring operations. As a result of such operations, 7,250 pounds of wheat were found unfit and were destroyed.



**19362. Adulteration of wheat. U. S. v. 120,400 Pounds \* \* \*. (F. D. C. No. 33428. Sample No. 49007-L.)**

**LIBEL FILED:** June 28, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 6, 1952, by the Stephen Elevator Co., from Stephen, Minn., to Superior, Wis., and thence to Duluth, Minn.

**PRODUCT:** 120,400 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 22, 1952. The Ralph Hegman Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring, under the supervision of a representative of the Federal Security Administrator.

The wheat in the instant case and the wheat involved in the case reported in notices of judgment on food, No. 19363, were commingled for purposes of the scouring operations. As a result of such operations, 2,760 pounds of wheat were found unfit and were destroyed.

**19363. Adulteration of wheat. U. S. v. 90,000 Pounds \* \* \*. (F. D. C. No. 33457. Sample No. 48676-L.)**

**LIBEL FILED:** July 9, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 13, 1952, by the Atlantic Elevator Co., from Dooley, Mont.

**PRODUCT:** 90,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 22, 1952. The Atlantic Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Federal Security Agency.

The wheat in the instant case and the wheat involved in the case reported in notices of judgment on food, No. 19362, were commingled for purposes of the scouring operations. As a result of such operations, 2,760 pounds of wheat were found unfit and were destroyed.

## DAIRY PRODUCTS

### BUTTER

**19364. Adulteration of butter. U. S. v. 59 Cases \* \* \*. (F. D. C. No. 33365. Sample No. 8652-L.)**

**LIBEL FILED:** July 15, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 26, 1952, by the Harding Cream Division, from Omaha, Nebr.

**PRODUCT:** 59 cases, each containing 32 1-pound prints, of butter at Horseheads, N. Y.

**LABEL, IN PART:** "Capital Brand Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance. (Examination disclosed that the product was decomposed and contained filth.)

**DISPOSITION:** September 15, 1952. Default decree of condemnation and destruction.

**19365. Adulteration of preserved butter. U. S. v. 118 Cases \* \* \*. (F. D. C. No. 33319. Sample No. 2128-L.)**

**LIBEL FILED:** June 30, 1952, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about April 25, 1952, by the R. T. Overstreet Co., from Norfolk, Va.

**PRODUCT:** 118 cases, each containing 8 6-pound, 4-ounce cans, of preserved butter at Shelby, N. C.

**LABEL, IN PART:** (Can) "Preserved Butter (Carter's Spread)."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of rancidity, and it was otherwise unfit for food by reason of its discoloration; and, Section 402 (b) (2), a product containing a vegetable oil had been substituted for butter.

**DISPOSITION:** November 17, 1952. The Shelby Creamery Co., Shelby, N. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, for conversion for nonfood purposes, under the supervision of the Federal Security Agency.

**19366. Adulteration and misbranding of butter. U. S. v. 10 Cartons (520 pounds) \* \* \*. (F. D. C. No. 33273. Sample No. 24221-L.)**

**LIBEL FILED:** May 26, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 30, 1952, by the Sunny Brook Dairy Co., from Saratoga Springs, N. Y.

**PRODUCT:** 10 cartons, each containing 52 pounds, of a mixture of butter and oleomargarine at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), colored oleomargarine had been substituted in whole or in part for butter.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food, namely butter.

**DISPOSITION:** September 2, 1952. Default decree of condemnation. The court ordered that samples of the product be retained by the Food and Drug Administration and that the remainder be delivered to charitable organizations.

## EGGS

**19367. Adulteration of frozen eggs. U. S. v. Armour & Co. (Wist Produce Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 31567. Sample Nos. 9691-L, 9692-L.)**

**INFORMATION FILED:** July 17, 1952, District of South Dakota, against Armour & Co., a corporation, trading as the Wist Produce Co., Webster, S. Dak.



**ALLEGED SHIPMENT:** On or about May 23, 1951, from the State of South Dakota into the State of Illinois.

**LABEL, IN PART:** "Frozen Egg Whites And Yolks Mixed Armour Cloverbloom."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** November 18, 1952. A plea of guilty having been entered, the court fined the defendant \$25.

**19368. Adulteration of frozen eggs. U. S. v. 140 Cans \* \* \*. (F. D. C. No. 33388. Sample No. 42305-L.)**

**LIBEL FILED:** June 16, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 31, 1952, by the D. M. Edmonds Co., from Salt Lake City, Utah.

**PRODUCT:** 140 30-pound cans of frozen eggs at San Francisco, Calif.

**LABEL, IN PART:** "Whole Eggs \* \* \* Brysons Salt Lake City."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** August 14, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, for the segregation of the fit from the unfit portion, under the supervision of the Federal Security Agency. 54 cans of the product were salvaged and 86 cans were destroyed.

**19369. Adulteration of frozen eggs. U. S. v. 39 Cans \* \* \*. (F. D. C. No. 33432. Sample No. 27774-L.)**

**LIBEL FILED:** July 1, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 26, 1951, by the Producers Produce Co., from Springfield, Mo.

**PRODUCT:** 39 30-pound cans of frozen eggs at Stockton, Calif.

**LABEL, IN PART:** (Can) "Whole Eggs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** August 14, 1952. The Poultry Producers of Central California, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the fit be segregated from the unfit, under the supervision of the Food and Drug Administration. Of the 37 cans seized, 23 were found unfit and were destroyed and the remainder were released.

## FISH AND SHELLFISH

**19370. Adulteration of canned herring roe. U. S. v. 24 Cases, etc. Claimant's motion denied for dismissal of libel against 24-case lot. Decree of condemnation and destruction. (F. D. C. No. 26385. Sample Nos. 5539-K, 39301-K.)**

**LIBEL FILED:** January 6, 1949, District of Maine.

**ALLEGED SHIPMENT:** Between May 11 and October 25, 1948, from Whiteville, Laurinburg, Rocky Mount, and Raleigh, N. C., and Lebanon, Pa. These were return shipments.

**PRODUCT:** 24 cases and 181 cases, each case containing 24 15-ounce cans, of herring roe at Eastport, Maine.

**LABEL, IN PART:** (Can) "Custom House Herring Roe."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article in the 181-case lot consisted in whole or in part of a decomposed substance, and the article in the 181-case lot and the 24-case lot was unfit for food by reason of its tough, rubbery consistency.

**DISPOSITION:** The Riviera Packing Co., Eastport, Maine, claimant, filed a motion for dismissal of the libel insofar as it related to the 24-case lot, and on November 16, 1949, the court, after consideration of the briefs and arguments of counsel, handed down the following opinion in denial of such motion:

**CLIFFORD, District Judge:** "This is a motion by claimant to dismiss a libel in rem in so far as the libel relates to that part of the libelled goods, consisting of twenty-four cases of canned herring roe. The libel was brought by the United States of America under the Federal Food, Drug and Cosmetic Act, (1938) 52 Stat. C. 675, 21 U. S. C. secs. 301 and following, for the seizure and condemnation, under section 334 of said Act, of two lots of canned herring roe. These lots contained 181 and 24 cases, respectively, each case containing 24 cans of this product. The libel alleged that both lots were shipped in interstate commerce; that the contents of the 181-case lot were unfit for food, within the meaning of the Act, in that they consisted wholly or in part of a decomposed substance; and that the contents of both lots were unfit for food, within the meaning of the Act, in that they were of a 'tough, rubbery consistency.'

"A default decree was entered by this Court in this case, on February 9, 1949, condemning both lots of herring roe, and ordering their destruction. By order of this Court filed February 19, 1949, made pursuant to agreement of the parties, the default decree was vacated and the case reinstated to the docket. Thereafter, the claimant, Riviera Packing Company, filed this motion to dismiss the complaint, so far as it relates to the lot consisting of 24 cases.

"The only allegation contained in the complaint against the 24-case lot rests on the claim that the product therein contained was of a 'tough, rubbery, consistency.' By its motion to dismiss the complaint so far as it relates to the 24-case lot, claimant raises the question whether a food product, not otherwise unfit for food, may ever be condemned as unfit for food merely because it is 'of a tough and rubbery consistency.'

"The motion to dismiss this portion of the libel should not be granted unless it appears to a certainty that the Government could not prevail under any state of facts which could be proved in support of the libel.

"Section 334 of the Act, 1938, 52 Stat. C 675, sec. 334, 21 U. S. C. sec. 334, provides for the seizure and condemnation of 'any article of food . . . that is adulterated . . . when introduced into or while in interstate commerce.'

"Section 402 (a) (3) of the Act, 1938, 52 Stat. C. 675, sec. 402 (a) (3), 21 U. S. C. sec. 342 (a) (3), provides as follows:

A food shall be deemed to be adulterated—(a) . . . (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, *or if it is otherwise unfit for food*, . . . [emphasis supplied.]

"The answer to the question raised by the motion at bar is not to be found in any of the cases cited by counsel for the Government or for the claimant.

"The claimant's brief, supporting this motion, argues that the man on the street would never interpret or understand the word 'adulterated' to include the sense 'of a tough and rubbery consistency.' The claimant argues that the statutory words 'otherwise unfit for food' are intended merely to enlarge the



ban of the statute from 'filthy, putrid, and decomposed' matter, and to reach only other substances not within that classification but in some other way injurious to health. Finally, claimant urges that toughness is a term peculiarly subject to personal taste and therefore not a proper subject for regulation under the Food, Drug and Cosmetic Act. These points will be considered in order.

"In its interpretation of the word 'adulterated' this Court must be guided by the definition given in the statute. See *United States v. Coca Cola Company*, 241 U. S. 265 (1916), construing the 1906 Food and Drugs Act, and the construction placed upon it by the Court. This definition and its construction clearly extend beyond the dictionary meaning of the word, which is 'corruption by the addition of a foreign substance.'

"The statutory phrase 'otherwise unfit for food' is general on its face. The Government's brief lays great stress on the policy of Congress, as expressed in the Food, Drug and Cosmetic Act, to protect the consuming public in the purchase of food products. Counsel for the Government cite several cases where the Act has been applied, in carrying out this policy, to condemn food products which contained no filthy, putrid or decomposed substances, nor any other harmful material, but which were characterized by an abnormal odor, taste, or color. F. D. C. 12002, 12012, 12090, 12122, 12284, 12299, 12543, and 12591.

"The case of *United States v. 184 Barrels Dried Whole Eggs*, 53 F. Supp. 652 (Dist. Ct. E. D. Wis., 1943), from which claimant quotes extensively, rules that the words 'filthy, putrid, or decomposed substances'—which had stood alone in an earlier version of the statute and had been construed to apply whether or not the decomposed substance made the product injurious to health—lost none of their force by the addition of the words 'or otherwise unfit for food.' Accord, *United States v. 1851 Cartons, etc.*, 146 F. (2d) 760 (C. C. A. 10, 1945). It is the opinion of this Court that the words 'otherwise unfit for food,' following as they do the word 'or,' must be construed as having strengthened and enlarged the intended scope of the coverage of the Act.

"Toughness was the issue in a recent case in the United States District Court for the District of Oregon, *United States v. 238 cases* decided May 9, 1949 but not reported. In that case the court considered whether canned center cuts of asparagus were too tough and woody to be fit for food. The case was heard on the merits: the Court himself sampled the product and dismissed the case, ruling that the product was fit for food. Fairly to be understood, but not expressed in his ruling was the assumption that the product could have been so tough as to warrant condemnation as unfit for food.

"It is the opinion of this Court that a food product may conceivably be 'unfit for food' by reason of an excessively tough or rubbery consistency; and that a product which is unfit for food for this reason, as for any other, properly falls within the construction of the statute and the policy of the Congress, that such products should be condemned for the protection of the consumer. The issue, whether the product is so tough as to be unfit for food, is solely a factual one, and must be determined by the Court in a trial on the merits.

"The question of the standard to be applied in determining the degree of toughness which constitutes an article unfit for food may be somewhat troublesome. As claimant has argued, the question is, in large measure, one of personal taste. Some products are, by their very nature, much tougher to eat than others. The fussy, fastidious, finicky individual might, with disdain, refuse to accept and throw out the product of the claimant, because, to his taste it was too tough and rubbery to eat; yet the case hardened individual who brags he can eat anything, might, with relish, eat and enjoy the product of the claimant. We cannot accept as the standard or test that which might be applied by either one of these two types of individuals.

"In the opinion of this Court, in order for a product to be subject to condemnation as unfit for food, on account of its tough and rubbery consistency, the product must be proved to be so tough and rubbery that it cannot be masticated and swallowed by the average, normal person.

"It is therefore Ordered, Adjudged and Decreed that the motion of claimant to dismiss that part of the libel relating to the 24-case lot of canned herring roe be, and is hereby, dismissed."



On December 1, 1949, the court amended the above opinion as follows:

CLIFFORD, *District Judge*: "The Opinion and Order of the Court filed in the above-entitled matter on November 16, 1949, is hereby amended by deleting so much of the first paragraph on Page six of said Opinion and Order as reads, 'that it cannot be masticated and swallowed by the average, normal person,' and by inserting in lieu thereof, the following: 'that the average, normal person, under ordinary conditions, would not chew and swallow it.'"

On November 24, 1952, the claimant having failed to pursue the matter further, judgment of condemnation was entered and the court ordered that the product be destroyed.

19371. Adulteration of frozen blowfish tails. U. S. v. 52 Cartons \* \* \*. (F. D. C. No. 33290. Sample No. 23238-L.)

**LIBEL FILED:** June 13, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 19, 1952, by N. B. Riggin, from Crisfield, Md.

**PRODUCT:** 52 5-pound cartons of frozen blowfish tails at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish tails.

**DISPOSITION:** August 29, 1952. Default decree of condemnation and destruction.

19372. Adulteration of frozen cod fillets. U. S. v. 1,937 Cases \* \* \*. (F. D. C. No. 33293. Sample No. 49199-L.)

**LIBEL FILED:** June 13, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about March 15, 1952, by the Wylax Canning Co., from Woudrichem, Holland.

**PRODUCT:** 1,937 25-pound cases of frozen cod fillets at New York, N. Y.

**LABEL, IN PART:** "Wylax Brand Single Frozen Cod-Fillets."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** September 18, 1952. Stamm-Schulman & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, for the segregation of the fit from the unfit portion, under the supervision of the Federal Security Agency.

1,969 cases of the product actually were seized. Salvaging operations involving 430 cases resulted in the segregation of 5,340 pounds of the product as fit for human consumption and in the destruction of 2,759 pounds. No further salvaging operations were attempted on the remaining 1,539 cases, and this portion of the product was destroyed.

19373. Adulteration of canned kipper snacks. U. S. v. 74 Cases \* \* \*. (F. D. C. No. 33409. Sample No. 29666-L.)

**LIBEL FILED:** June 23, 1952, District of Montana.

**ALLEGED SHIPMENT:** On or about April 10, 1952, from Galewood, Ill.

**PRODUCT:** 74 cases, each containing 50 3¼-ounce cans, of kipper snacks at Great Falls, Mont.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 8, 1952. Default decree of condemnation and destruction.

**19374. Adulteration of spiced prawns. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 33434. Sample No. 28216-L.)**

**LIBEL FILED:** July 1, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 16 and 22, 1951, from Portland, Oreg.

**PRODUCT:** 8 cases, each containing 12 13-ounce jars, of spiced prawns at Sacramento, Calif.

**LABEL, IN PART:** (Jars) "Ocean Beauty Brand Spiced Prawns."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 13, 1952. Default decree of condemnation and destruction.

**19375. Adulteration of canned tuna. U. S. v. 166 Cases \* \* \*. (F. D. C. No. 33170. Sample Nos. 5382-L, 6324-L.)**

**LIBEL FILED:** April 15, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 4, 1952, by Wilbur-Ellis Co., Inc., from Brooklyn, N. Y.

**PRODUCT:** 166 cases, each containing 48 7-ounce cans, of tuna at Worcester, Mass.

**LABEL, IN PART:** "Light [or "White Meat"] Tuna Fish. Product of Peru Fancy Sweet Life."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), bonito had been substituted in part for tuna.

**DISPOSITION:** January 19, 1953. Default decree of condemnation and destruction.

**19376. Adulteration of whitefish. U. S. v. Approximately 585 Pounds \* \* \*. (F. D. C. No. 33431. Sample No. 35939-L.)**

**LIBEL FILED:** June 27, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 14, 1952, by Straker-Gross, Inc., from Montreal, Canada.

**PRODUCT:** Approximately 585 pounds of whitefish in 11 boxes at Cleveland, Ohio.

**LABEL, IN PART:** (Box) "Product of Canada. L. H. Durfey Wabigoon Lake Dressed White Fish" or "Hanson Bros., Eagle Lake, Ont. Dr. White Fish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** October 28, 1952. Default decree of condemnation and destruction.

**19377. Adulteration of crabmeat. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 33370. Sample No. 57211-L.)**

**LIBEL FILED:** June 19, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 18, 1952, by the Whorton Crab Factory, from Vandemere, N. C.

**PRODUCT:** 1 barrel containing 89 1-pound cans of crabmeat at Philadelphia, Pa. Analysis showed that the product was contaminated with *B. coli* of fecal origin.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

**DISPOSITION:** August 27, 1952. Default decree of condemnation and destruction.

**19378. Adulteration of crabmeat. U. S. v. 40 Cans, etc. (F. D. C. No. 33358. Sample Nos. 3640-L, 57316-L.)**

**LIBEL FILED:** July 21, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 16, 1952, by Carol Dryden & Co., from Crisfield, Md.

**PRODUCT:** 52 1-pound cans of crabmeat at Harrisburg, Pa.

**LABEL, IN PART:** "Pride Of The Chesapeake."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with *B. coli* of human origin.

**DISPOSITION:** September 26, 1952. Default decree of condemnation and destruction.

**19379. Adulteration of crabmeat. U. S. v. 4 Cans, etc. (F. D. C. No. 33362. Sample Nos. 57415-L, 57416-L.)**

**LIBEL FILED:** July 21, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 16, 1952, by Carol Dryden & Co., from Crisfield, Md.

**PRODUCT:** 27 1-pound cans of crabmeat at Harrisburg, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with *B. coli* of human origin.

**DISPOSITION:** September 26, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**19380. Alleged refusal to permit factory inspection. U. S. v. Ira D. Cardiff. Motion to dismiss information denied. Plea of not guilty. Verdict of guilty. Fine of \$300, plus costs. Judgment reversed by court of appeals. Decision of appellate court affirmed by United States Supreme Court. (F. D. C. No. 29459. Sample No. 40827-K.)**

**INFORMATION FILED:** October 23, 1950, Eastern District of Washington, against Ira D. Cardiff, president of the Washington Dehydrated Food Co., Yakima, Wash.



**ALLEGED VIOLATION:** On March 31, 1950, upon a request which was made by inspectors of the Food and Drug Administration at a reasonable time and in accordance with Section 704, the defendant, Ira D. Cardiff, refused entry and inspection of the factory of the Washington Dehydrated Food Co. where food was manufactured, processed, packed, and held for introduction into interstate commerce.

**DISPOSITION:** On October 27, 1950, the defendant filed a motion to dismiss the information on the ground that the information failed to allege any facts sufficient to constitute an offense against the laws of the United States. Argument was held by the court on November 17, 1950, after which the court took the matter under advisement. On December 29, 1950, the court handed down the following opinion:

*DRIVER, District Judge:* "Defendant's motion to dismiss the information in the above entitled case was taken under advisement some time ago. After careful consideration I have come to the conclusion that the motion should be denied. My reasons are stated briefly below.

"The Federal Food, Drug and Cosmetic Act rests upon the constitutional power resident on Congress to regulate interstate commerce. To the end that the public health and safety might be advanced, it seeks to keep interstate channels free from deleterious, adulterated and misbranded articles of the specified types. The protection of the 4th Amendment relative to unreasonable search and seizure is not violated by the Act. It is my opinion that the inspections must be made at reasonable times, but the right to inspect is necessary to carry out the purposes of the Act. Without it, there is no positive protection to the public.

"I perceive no merit in defendant's contention that refusal to permit entry and inspection is not punishable unless permission was first granted, or in other words, unless he granted permission and then changed his mind. The Congress had no such intention in enacting the law. What Congress did have in mind, I think, by providing for obtaining permission (Sec. 374) was an attempt to have the inspections made at reasonable times.

"I think the constitutional questions are adequately answered in the government's supplemental brief, by analogy to the cases dealing with production of corporate records, etc., as required by law. In those cases it is made plain that the records can be subpoenaed and required even though there is no reason for issuance of a search warrant. It is, I believe, a fundamental rule that constitutional immunities from search are waived to a limited extent by those who engage in a business regulated by law. And a corporation has not the same immunity from search as has a private individual.

"I have taken into consideration the fact that here the defendant is not a corporation, but a private individual. But an individual officer can not refuse to produce books and records of a corporation on grounds that they might incriminate him. See *Wilson v. U. S.*, 221 U. S. 361. By analogy, I feel that an individual officer can not refuse to permit entry for purposes of inspection under the Food, Drug and Cosmetic Act, if the inspection is sought to be made at a reasonable time.

"Order in accordance with the above views may be presented."

On March 30, 1951, following a plea of not guilty, the case came on for trial before the court without a jury. Based upon a stipulation as to the facts, the court found the defendant guilty, and on April 11, 1951, the court sentenced the defendant to pay a fine of \$300, plus costs. Thereafter, an appeal was taken by the defendant to the United States Court of Appeals for the Ninth Circuit, and on February 13, 1952, after consideration of the briefs and arguments of counsel, the following opinion was handed down by that court:

*DENMAN, Chief Judge:* "This is an appeal from a judgment convicting Cardiff of violating Section 331 (f) of 21 U. S. C. by his refusal to permit entry and inspection of the premises of the Washington Dehydrated Food Company of which Cardiff was manager.



"The stipulated facts are as follows:

That the Washington Dehydrated Food Company, a corporation, is a processor of food, manufactured, packed, and held for introduction into interstate commerce; that the appellant, Ira D. Cardiff, is the President of said corporation and was the operator and custodian of the factory of the Washington Dehydrated Food Company, and that as an individual he is responsible for the acts of the corporation; that on March 31, 1950, at Yakima, in the Southern Division of the Eastern District of Washington, Inspectors R. C. White and Horace A. Allen, agents of the Federal Security Agency, at a reasonable time did request permission to enter and inspect the factory, which request was refused by the appellant; that the Washington Dehydrated Food Company was at that time engaged in the preparation of food products for introduction and shipment into the channels of interstate commerce.

"Cardiff contends that the district court has misconstrued the two applicable sections of the Food and Drug Act, 21 U. S. C. 331 (f) and 374. Section 331, for the violation of which the punishment is provided in Section 333, states in subdivision (f):

The following acts and the causing thereof are hereby prohibited: . . .  
(f) the refusal to permit entry or inspection as authorized by Section 374.

"The authorization in Section 374 is for entries at reasonable times (plural) and inspections also at such times. Such authorization is obtained only from a permission by the operator or custodian of the factory given pursuant to the request of the Food and Drug Administrator. Section 374 provides:

For the purposes of enforcement of this chapter, officers or employees duly designated by the Administrator, after first making request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. June 25, 1938, c. 675, Sec. 704, 52 Stat. 1057; Reorg. Plan No. IV, Sec. 12, eff. June 30, 1940, 5 Fed. Reg. 2422, 54 Stat. 1237.

"Section 331 (f) and Section 333 constitute penal legislation making the first offense a misdemeanor and a second offense a felony.<sup>1</sup> Obviously these statutes will not have one interpretation where the offense charged is a misdemeanor and another one where the charge is a felony. Here there are none of the gossamer-like refinements of interpretations referred to in *Pasadena Research Laboratories v. United States*, 169 F. 2d 375, 379 (Cir. 9). The statutes must be construed as creating a felony for their violation. Hence in construing this penal legislation, it is elemental that if it be subject to two rational interpretations, we must accept that favorable to the accused. We think that Cardiff in refusing to grant the permission for successive inspections did not violate the statute so construed.

"The permission which may be authorized by Section 374 is for repeated inspections at the 'reasonable times' for which the section provides. Obviously the inspector is not required to obtain permission for each inspection. It was agreed at the hearing that Cardiff's plant is engaged in processing apples into boxes for shipping in carload lots into interstate commerce and

<sup>1</sup> "§ 333. Penalties—Violations of section 331—(a) Any person who violates any of the provisions of section 331 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final such person shall be subject to imprisonment for not more than three years, or a fine of not more than \$10,000, or both such imprisonment and fine."



that the apples are the product of different orchards. Most orchardists use a spray on the growing apples to resist insect infestation or other deterioration. This spray contains chemicals remaining on the apples which from certain orchards is in sufficient quantity to be deleterious to the health of the consumer, while from other orchards there is no spraying or the remaining spray is not sufficient to be injurious. The apples with the excessive spray require a costly treatment to be made safely edible.

"Assume Cardiff, who has 'authorized [inspection] by section 374,' finds that the apples from so many orchards require this costly treatment that his season's operation will be at a loss and he therefore refused to permit any more of the inspections, which he had authorized under 374. So doing he would commit a misdemeanor for the first refusal and upon final conviction thereof, a second refusal is a felony.

"We do not agree with the government's construction of the two sections that while under 374 the inspector is to make entries and inspection *only* after requesting *and obtaining* permission of the owner, operator, or custodian, section 331 (f) makes it a crime if the inspector's request is refused. That is to say, Congress by section 374 (f) gives the operator the right to refuse inspection and section 331 (f) warns him that if he exercises the right so given him he is liable to imprisonment. It is true that 'the Lord giveth and the Lord taketh away' in a manner seemingly unjust to the mind of man, but here we are considering an act of Congress.

"Such a roundabout and unreasonable construction makes an absurdity of the requirement of the inspector of 'obtaining permission.' It would make nugatory instead of giving effect to the words, 'after first making request and obtaining permission,' etc. There is no merit to the contention of the government that these words do no more than provide for reasonable times for inspection, for section 374 would provide for this if the phrase were omitted. Congress if it desired to secure the inspections without obtaining permission would have done so in the manner of the preceding section 373 of the same Act.<sup>2</sup> There interstate carriers of foods and drugs 'shall, upon the [mere] request of . . . [the inspector], permit 'access to . . . records showing the movement in interstate commerce' of their products.

"Even assuming that the government's interpretations of this legislation creating a felony were not absurd and unreasonable, the interpretation we have given is also a reasonable one, and being the one more favorable to the accused must control.

"The able district judge stated his doubt of the government's interpretation as follows :

Well, I had considerable difficulty in deciding the motion to dismiss the information. The statute on which the prosecution is based is not at all clear. I think it's very ambiguous and I reached my conclusion on what I thought the Congress should have intended rather than what they clearly said they intended in the statute. It's a very unsatisfactory statute, and I think it's one that should be clarified by a decision of the higher Court, and I think there is justification for Dr. Cardiff's position that he thought he was within his legal rights.

He had denied the defendant's motion to dismiss from which the government could have taken the appeal he thought needed. Instead of jailing Cardiff he imposed a small fine, thus enabling the case to be appealed here instead of granting an unappealable acquittal.

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<sup>2</sup> "§ 373. Records of interstate shipment—For the purpose of enforcing the provisions of this chapter, carriers engaged in interstate commerce, and persons receiving food, drugs, devices, or cosmetics in interstate commerce or holding such articles so received, shall, upon the request of an officer or employee duly designated by the Administrator, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any food, drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates : . . ."



"The government's brief gives an extended review of the food and drug legislation and makes a strong argument for the need for public protection of the power to inspect food plants without permission of the owner, and states that without that power, enforcement of the law will be hamstrung. The language of Mr. Justice Brandeis in *United States v. Weitzel*, 246 U. S. 533, is peculiarly applicable to this contention. There the court had for consideration the interpretation of a statute providing certain penalties against 'every president, director, cashier, teller, clerk or agent' of a national bank who committed certain offenses. The receiver of a national bank appointed by the controller of currency, was being prosecuted under that statute and it was necessary to interpret this statute and determine whether or not such a receiver fell within the meaning of the word 'agent.' In construing the statute as not covering the receiver, Justice Brandeis says at page 542:

It is urged by the Government that punishment of the defalcation by a receiver is clearly within the reason of the statute, and that unless the term "agent" be construed as including receivers, there was no Federal statute under which an embezzling receiver of a National bank could be prosecuted \* \* \* *Statutes creating and defining crimes are not to be extended by intendment because the court and the legislature should have made them more comprehensive.* [Emphasis supplied.]

"The Food Administrator's remedy for the efficient enforcement of the law's protective provisions is the amendment of section 374 to correspond with the plain provision of 373. The judgment is reversed and the district court instructed to enter a judgment of acquittal of the defendant."

POPE, *Circuit Judge*, concurring: "The majority's able opinion makes an effort to read some meaning into this statute and states that in a certain hypothetical case, not like the one before us, a person might be guilty of an offense under this section. I am not prepared, and I do not think it wise, to express an opinion upon this supposititious case. I think that this statute, as written, is just plain nonsense, and because it is not the function of a court to rewrite such language, the judgment must be reversed."

A petition for a writ of certiorari was subsequently filed by the Government with the United States Supreme Court and was granted on May 5, 1952. On December 8, 1952, the following opinion was handed down by the United States Supreme Court, affirming the decision of the court of appeals:

DOUGLAS, *Associate Justice*: "Respondent was convicted of violating § 301 (f) of the Food, Drug, and Cosmetic Act, 52 Stat. 1040, 21 U. S. C. § 331 (f). That section prohibits 'The refusal to permit entry or inspection as authorized by section 704.'<sup>1</sup> Section 704 authorizes the federal officers or employees 'after first making request and obtaining permission of the owner, operator, or custodian' of the plant or factory 'to enter' and 'to inspect' the establishment, equipment, materials and the like 'at reasonable times.'<sup>2</sup>

"Respondent is president of a corporation which processes apples at Yakima, Washington, for shipment in interstate commerce. Authorized agents applied to respondent for permission to enter and inspect his factory at reasonable hours. He refused permission, and it was that refusal which was the basis of the information filed against him and under which he was convicted and fined. 95 F. Supp. 206. The Court of Appeals reversed, holding that § 301 (f),

<sup>1</sup> The violation is made a misdemeanor by 21 U. S. C. § 333.

<sup>2</sup> Section 704 reads as follows: "For purposes of enforcement of this Act, officers or employees duly designated by the Administrator, after first making request and obtaining permission of the owner, operator or custodian thereof, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein."



when read with § 704, prohibits a refusal to permit entry and inspection only if such permission has previously been granted. 194 F. 2d 686. The case is here on certiorari.

"The Department of Justice urges us to read § 301 (f) as prohibiting a refusal to permit entry or inspection at any reasonable time. It argues that that construction is needed if the Act is to have real sanctions and if the benign purposes of the Act are to be realized. It points out that factory inspection has become the primary investigative device for enforcement of this law, that it is from factory inspections that about 80 percent of the violations are discovered, that the small force of inspectors makes factory inspection, rather than random sampling of finished goods, the only effective method of enforcing the Act.

"All that the Department says may be true. But it does not enable us to make sense out of the statute. Nowhere does the Act say that a factory manager must allow entry and inspection at a reasonable hour. Section 704 makes entry and inspection conditioned on 'making request and obtaining permission.' It is that entry and inspection which § 301 (f) backs with a sanction. It would seem therefore on the face of the statute that the Act prohibits the refusal to permit inspection only if permission has been previously granted. Under that view the Act makes illegal the revocation of permission once given, not the failure to give permission. But that view would breed a host of problems. Would revocation of permission once given carry the criminal penalty no matter how long ago it was granted and no matter if it had no relation to the inspection demanded? Or must the permission granted and revoked relate to the demand for inspection on which the prosecution is based? Those uncertainties make that construction pregnant with danger for the regulated business. The alternative construction pressed on us is equally treacherous because it gives conflicting commands. It makes inspection dependent on consent and makes refusal to allow inspection a crime. However we read § 301 (f) we think it is not fair warning (cf. *United States v. Weitzel*, 246 U. S. 533; *McBoyle v. United States*, 283 U. S. 25) to the factory manager that if he fails to give consent, he is a criminal. The vice of vagueness in criminal statutes is the treachery they conceal either in determining what persons are included or what acts are prohibited. Words which are vague and fluid (cf. *United States v. Cohen Grocery Co.*, 255 U. S. 81) may be as much of a trap for the innocent as the ancient laws of Caligula. We cannot sanction taking a man by the heels for refusing to grant the permission which this Act on its face apparently gave him the right to withhold. That would be making an act criminal without fair and effective notice. Cf. *Herndon v. Lowry*, 301 U. S. 242. *Affirmed.*

"MR. JUSTICE JACKSON concurs in the result.

"MR. JUSTICE BURTON dissents."

### FRESH FRUIT

19381. Adulteration of blueberries. U. S. v. 31 Crates \* \* \*. (F. D. C. No. 33364. Sample No. 54051-L.)

**LIBEL FILED:** August 1, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 30, 1952, by J. H. Welker, from Michigan City, Ind.

**PRODUCT:** 31 crates, each containing 12 pint baskets, of blueberries at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The blueberries were infested with maggots.

**DISPOSITION:** October 14, 1952. Default decree of condemnation and destruction.

## VEGETABLES

19382. Adulteration of dried black-eyed peas. U. S. v. 288 Bags \* \* \*. (F. D. C. No. 32971. Sample No. 28289-L.)

**LIBEL FILED:** April 3, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 27, 1952, by Bryant & Sawyer, from Los Angeles, Calif.

**PRODUCT:** 288 100-pound bags of dried black-eyed peas at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged black-eyed peas.

**DISPOSITION:** April 15, 1952. Bryant & Sawyer, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The product was denatured for use as seed.

## TOMATOES AND TOMATO PRODUCTS

19383. Adulteration and misbranding of canned tomatoes. U. S. v. 929 Cases \* \* \*. (F. D. C. No. 33436. Sample No. 16478-L.)

**LIBEL FILED:** June 30, 1952, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about April 25, 1952, by the Davis Canning Co., from Summers, Ark.

**PRODUCT:** 929 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Tulsa, Okla.

**LABEL, IN PART:** (Can) "Adair Brand Hand Packed \* \* \* Tomatoes Packed by Wauhilla Canning Co. Adair County, Stillwell, Okla."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient in the standard.

**DISPOSITION:** September 8, 1952. Default decree of condemnation. The court ordered that the product, consisting of the 115 cases which were actually seized, be delivered to welfare organizations.

19384. Adulteration of canned tomatoes. U. S. v. 173 Cases \* \* \*. (F. D. C. No. 30197. Sample No. 35787-K.)

**LIBEL FILED:** December 8, 1950, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 26, 1950, by Flotill Products, Inc., from Alameda, Calif.

**PRODUCT:** 173 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Buffalo, N. Y.

**LABEL, IN PART:** (Can) "La Gustosa Brand \* \* \* Unpeeled Plum Tomatoes."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** October 6, 1952. Flotill Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion and for relabeling of the unadulterated portion, under the supervision of the Federal Security Agency. 50½ cases of the product were found unfit and were destroyed.

**19385. Adulteration of canned tomatoes. U. S. v. 91 Cases \* \* \*. (F. D. C. No. 33411. Sample No. 46272-L.)**

**LIBEL FILED:** June 23, 1952, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about March 19, 1952, by P & G Trading Co., Inc., from New York, N. Y.

**PRODUCT:** 91 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes, at Birmingham, Ala.

**LABEL, IN PART:** (3 cans) "Red-Glo Tomatoes \* \* \* Albert W. Sisk and Sons Distributors \* \* \* Preston, Md. and Aberdeen, Md."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

**DISPOSITION:** August 19, 1952. Default decree of condemnation and destruction.

**19386. Adulteration of tomato juice. U. S. v. 1,097 Cases \* \* \*. (F. D. C. No. 33405. Sample No. 15823-L.)**

**LIBEL FILED:** June 18, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about March 20, 1952, by the Bercut-Richards Packing Co., from Sacramento, Calif.

**PRODUCT:** 1,097 cases, each containing 12 1-quart, 14-fluid-ounce cans of tomato juice at Wichita, Kans.

**LABEL, IN PART:** "Sacramento—California Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** August 12, 1952. Default decree of condemnation and destruction.

**19387. Adulteration of tomato juice. U. S. v. 579 Cases \* \* \*. (F. D. C. No. 33398. Sample No. 36070-L.)**

**LIBEL FILED:** June 14, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 12, 1952, by the Wann Packing Co., No. 2 Plant, from Frankton, Ind.

**PRODUCT:** 579 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Cincinnati, Ohio.

**LABEL, IN PART:** "Roy Boy Indiana Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** July 21, 1952. Default decree of condemnation and destruction.

**19388. Adulteration of tomato paste. U. S. v. 100 Cartons \* \* \*. (F. D. C. No. 33415. Sample No. 18004-L.)**

**LIBEL FILED:** June 23, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about May 23, 1952, by the West Coast Packing Corp., from Long Beach, Calif.

**PRODUCT:** 100 cartons, each containing 6 6-pound, 12-ounce cans, of tomato paste at Long Beach, Calif.

**LABEL, IN PART:** (Can) "Campania Brand \* \* \* Tomato Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** September 22, 1952, and April 2, 1953. The sole intervener having consented to the entry of a decree, the court entered a judgment of condemnation and destruction.

**19389. Adulteration and misbranding of tomato puree. U. S. v. 542 Cases \* \* \*. (F. D. C. No. 33407. Sample No. 11033-L.)**

**LIBEL FILED:** June 17, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 21, 1951, by the Ray Bros. & Noble Canning Co., from Hobbs, Ind.

**PRODUCT:** 542 cases, each containing 24 1-pound, 3-ounce cans, of tomato puree at Cincinnati, Ohio.

**LABEL, IN PART:** "Indiana King Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** July 21, 1952. The shipper, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

## POULTRY

**19390. Adulteration of dressed poultry. U. S. v. Howard M. Rose. Plea of guilty. Fine of \$100 and probation for 1 year. (F. D. C. No. 32759. Sample No. 89876-K.)**

**INFORMATION FILED:** July 8, 1952, District of Minnesota, against Howard M. Rose, manager of Farmers Produce, Inc., Cambridge, Minn.

**ALLEGED SHIPMENT:** Between the dates of September 29 and October 4, 1950, from the State of Minnesota into the State of Nebraska.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal.

**DISPOSITION:** February 9, 1953. A plea of guilty having been entered, the court imposed a fine of \$100 and placed the defendant on probation for 1 year.



**19391. Adulteration of dressed poultry. U. S. v. Poultrymen's Cooperative of Conn., Inc. Plea of guilty. Fine, \$1,500. (F. D. C. No. 32819. Sample Nos. 24339-L, 38299-L, 38309-L.)**

**INFORMATION FILED:** October 14, 1952, District of Connecticut, against Poultrymen's Cooperative of Conn., Inc., Plainfield, Conn.

**ALLEGED SHIPMENT:** On or about May 20 and November 7 and 18, 1951, from the State of Connecticut into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds; Section 402 (a) (4), (2 shipments) the product had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (5), (2 shipments) it was in part the product of a diseased animal, namely, diseased poultry, and (1 shipment) was in part the product of an animal which had died otherwise than by slaughter.

**DISPOSITION:** January 5, 1953. A plea of guilty having been entered, the court fined the defendant \$1,500.

**19392. Adulteration of frozen dressed turkeys. U. S. v. 11 Boxes \* \* \*. (F. D. C. No. 33416. Sample No. 11762-L.)**

**LIBEL FILED:** June 21, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 9, 1952, by the Marshall Poultry Co., from Chicago, Ill.

**PRODUCT:** 11 boxes of turkeys, each box containing 4 frozen dressed turkeys, at Cincinnati, Ohio.

**LABEL, IN PART:** "Arlington Processed Drawn Young Tom Turkeys."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for frozen turkeys; and, Section 402 (b) (4), water had been added to the product or mixed or packed with it so as to increase its bulk or weight or reduce its quality or strength. (Examination disclosed that the product was injected with water.)

**DISPOSITION:** August 8, 1952. Default decree of condemnation and destruction.

**19393. Adulteration of frozen turkey pies. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 33397. Sample No. 33238-L.)**

**LIBEL FILED:** June 13, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about May 14, 1952, by Nagel Bros., from Chicago, Ill.

**PRODUCT:** 9 cases, each case containing 6 packages, of frozen turkey pies at Grand Rapids, Mich.

**LABEL, IN PART:** "Wagonwheel Quick Frozen Turkey Pie \* \* \* Net Weight 14 ozs. \* \* \* Packed By Nagel Bros. La Grange Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 20, 1952. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19394. Adulteration of marjoram. U. S. v. 29 Bags \* \* \*. (F. D. C. No. 33399. Sample No. 41993-L.)**

**LIBEL FILED:** June 23, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 28, 1951, from Arica, Chile.

**PRODUCT:** 29 bags of marjoram at San Francisco, Calif.

**LABEL, IN PART:** "25 Kilos Gross."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live moth larvae, insect webbing, and excreta.

**DISPOSITION:** July 22, 1952. H. M. Newhall & Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 1,383 pounds of the product were brought into compliance with the law by cleaning, and 170 pounds were destroyed.

**19395. Adulteration of red pepper hulls. U. S. v. 17,100 Pounds \* \* \* (and 1 other seizure action). (F. D. C. Nos. 32683, 32858. Sample Nos. 10489-L, 10499-L.)**

**LIBELS FILED:** March 10, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about November 13, 1951, by Harper & Bateman, from Hurlock, Md.

**PRODUCT:** 60 barrels containing a total of 17,100 pounds of red pepper hulls at Saginaw, Mich., and 22 barrels, each containing 285 pounds, of the product at Richmond, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 28 and May 20, 1952. The Harper & Bateman Pickle Co., Hurlock, Md., having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency, so that it could be brought into compliance with the law.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\*

**19396. Adulteration and misbranding of vitamin D capsules. U. S. v. 9 Bottles, etc. (F. D. C. No. 32940. Sample No. 1632-L.)**

**LIBEL FILED:** On or about March 12, 1952, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 8, 1946, from Miami, Fla.

**PRODUCT:** Vitamin D capsules. 9 100-capsule bottles and 21 30-capsule bottles at Atlanta, Ga.

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\*See also No. 19353.



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each Capsule Contains: \* \* \* Vitamin D (Irradiated Ergosterol) 1000 U. S. P. Units" was false and misleading since the product contained less than 1,000 U. S. P. units of vitamin D.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 18, 1952. Default decree of condemnation and destruction.

**19397. Adulteration and misbranding of calcium with phosphorus tablets. U. S. v. 15 Cases, etc. (F. D. C. No. 33282. Sample No. 18420-L.)**

**LIBEL FILED:** June 3, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 21, 1952, by the Live Food Products Co., from Burbank, Calif.

**PRODUCT:** 15 cases, each containing 12 bottles, and 1 case, containing 7 bottles, of calcium with phosphorus tablets at New York, N. Y. Each bottle contained 156 tablets.

**LABEL, IN PART:** (Bottle) "Bragg Calcium with Phosphorus, Vitamin D, Vitamin C, Iodine \* \* \* Ingredients: Six tablets supply: \* \* \* Vitamin D 1000 USP units \* \* \* Net contents 156 tablets."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Six tablets supply: \* \* \* Vitamin D 1000 USP units" was false and misleading. (Analysis disclosed that the article contained approximately 50 percent of the declared amount of vitamin D.)

**DISPOSITION:** October 3, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19398. Adulteration and misbranding of sweet chocolate candy and sweet milk chocolate candy with almonds. U. S. v. 8 Boxes, etc. (and 1 other seizure action). (F. D. C. Nos. 33004, 33263. Sample Nos. 23420-L, 23421-L, 37883-L.)**

**LIBELS FILED:** April 7 and May 23, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 31 and December 12, 1951, and March 18, 1952, by the Cook Chocolate Co., from Chicago, Ill.

**PRODUCT:** 8 boxes and 96 boxes, each containing 24 bars, of sweet chocolate candy, and 29 boxes and 96 boxes, each containing 24 bars, of sweet milk chocolate candy with almonds, at New York, N. Y.

Analyses disclosed that the 96-box lots of the sweet chocolate candy and the sweet milk chocolate candy with almonds contained approximately 20 percent of the declared amount of vitamin A; that the 8-box lot of the sweet chocolate candy contained approximately 608 International Units of vitamin A, 0.25 milligram of vitamin B<sub>1</sub>, 1.83 milligrams of vitamin B<sub>2</sub>, 15.2 milligrams of vitamin C, and 3.2 milligrams of niacinamide per bar; and that the 29-box lot of the sweet milk chocolate candy with almonds contained approximately 888 International Units of vitamin A, 0.46 milligram of vitamin B<sub>1</sub>, 1.90 milli-

grams of vitamin B<sub>2</sub>, 8.6 milligrams of vitamin C, and 4.27 milligrams of niacinamide per bar.

**LABEL, IN PART:** (Bar) "Sweet Chocolate Candy Vita Sert Contains Sweet Chocolate and Vitamins A-4000 I. U. B<sub>1</sub>-1 Mg. B<sub>2</sub>-2 Mg. C-30-Mg. D-400 I. U. \* \* \* 10 Mg. Niacin Amide Net Wt. 1 $\frac{3}{8}$  Oz." and "Sweet Milk Chocolate Vita Sert With Almonds Contains Sweet Milk Chocolate, Almonds Vitamins A-4000 I. U. B<sub>1</sub>-1 Mg. B<sub>2</sub>-2 Mg. C-30 Mg. D-400 I. U. \* \* \* 10 Mg. Niacin Amide Net Wt. 1 $\frac{3}{8}$  Oz."

**NATURE OF CHARGE:** Adulteration (all lots), Section 402 (b) (1), valuable constituents, vitamins A, B<sub>1</sub>, B<sub>2</sub>, and C, and niacinamide, had been in part omitted or abstracted from the products.

Misbranding (all lots), Section 403 (a), the label statements "A-4000 I. U. B<sub>1</sub>-1 Mg. B<sub>2</sub>-2 Mg. C-30 Mg. D-400 I. U. \* \* \* 10 Mg. Niacin Amide" were false and misleading as applied to products which contained less than the stated amounts of vitamins A, B<sub>1</sub>, B<sub>2</sub>, C, and niacinamide.

Further misbranding (sweet chocolate candy), Section 403 (g) (1), the product purported to be and was represented as sweet chocolate candy, a food for which a definition and standard of identity has been prescribed by regulations, and the product failed to conform to such definition and standard since it contained added vitamins, which are not permitted as optional ingredients of sweet chocolate in such definition and standard.

**DISPOSITION:** December 16, 1952. Default decrees of condemnation and destruction.

## MISCELLANEOUS FOODS

**19399. Misbranding of potato preservative. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 33113. Sample No. 29585-L.)**

**LIBEL FILED:** May 8, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 8, 1951, by the G. B. Bashaw Co., from Portland, Oreg.

**PRODUCT:** 8 cases, each containing 4 1-gallon jugs, of potato preservative at Everett, Wash.

**LABEL, IN PART:** "Magic Potato Preservative."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** July 29, 1952. Default decree of condemnation and destruction.

**19400. Misbranding of Noe-Ice sportsman kits. U. S. v. 2,597 Kits \* \* \*. (F. D. C. No. 32583. Sample No. 34429-L.)**

**LIBEL FILED:** March 10, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 20 and August 1, 1951, by the Noe-Ice Sales Corp., from Los Angeles, Calif.

**PRODUCT:** 2,597 Noe-Ice sportsman kits, each containing 25 tablets, at St. Louis, Mo. Each kit contained also a spray bottle and a circular headed "Keeps Fish, Fowl, Game Fresh Without Ice."

**LABEL, IN PART:** (Kit) "Sportsman Kit Noe-Ice Miracle Stay Fresh Spray Directions Each tablet contains the following active ingredients: Sodium Benzoate 12.5 milligrams chloramine T 25 milligrams in a base of Sodium



Chloride 1 tablet added to the enclosed spray bottle filled with water (125 cc) provides a solution containing Sodium Benzoate 0.02% Chloramine T 0.01% This kit contains 25 tablets in cellophane strip package and spray bottle.”

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the kit label and in the accompanying circular were false and misleading since they represented and suggested that the article would be effective to keep fish, fowl, and game fresh without ice, whereas the article would not be effective for those purposes.

Further misbranding, Section 403 (a), the label statements “Sodium Benzoate 12.5 milligrams chloramine T 25 milligrams \* \* \* 1 tablet added to the enclosed spray bottle filled with water (125 cc) provides a solution containing Sodium Benzoate 0.02% Chloramine T 0.01%” were false and misleading since the article contained approximately 19.4 milligrams of sodium benzoate and 13.2 milligrams of chloramine-T per tablet.

DISPOSITION: September 12, 1952. The court, having ordered the claim of the sole intervenor stricken from the files, condemned the product and ordered it destroyed.

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<sup>1</sup> (19380) Prosecution contested. Contains opinions of the courts.

<sup>2</sup> (19370) Seizure contested. Contains opinion of the court.

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<sup>1</sup> (19380) Prosecution contested. Contains opinions of the courts.



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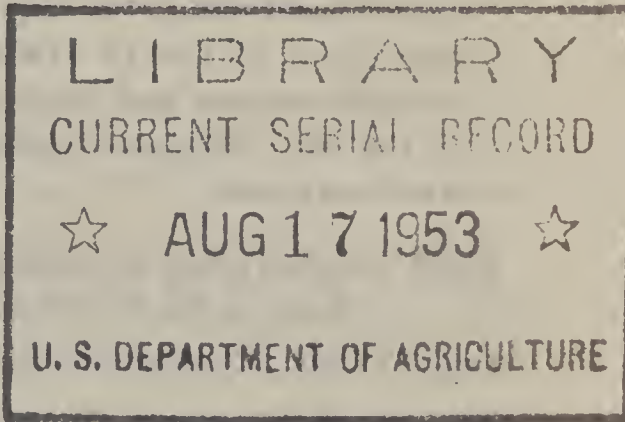
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19401-19450

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 17, 1953.*

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**BEVERAGES AND BEVERAGE MATERIALS\***

**19401. Adulteration of coffee beans. U. S. v. 75 Bags, etc.** (F. D. C. No. 33217. Sample Nos. 36846-L, 36956-L.)

**LIBEL FILED:** April 28, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about August 9, 1950, from a foreign country.

**PRODUCT:** Coffee beans. 75 140-pound bags and 168 180-pound bags at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** On June 2, 1952, Schwabach & Co., New York, N. Y., having appeared as claimant for the 168 180-pound bags of the coffee beans and on June 5, 1952, A. C. Israel Commodity Co., Inc., New York, N. Y., having appeared as claimant for the 75 140-pound bags of the product, and the claimants having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be reprocessed under the supervision of the Federal Security Agency. Salvaging operations of the 75 140-pound bags of coffee beans resulted in the release of 6,807 pounds and in the destruction of 3,759 pounds. Salvaging operations of the 168 180-pound bags of coffee beans proved unsuccessful, and this lot was destroyed.

**19402. Adulteration of green coffee. U. S. v. 287 Bags, etc.** (F. D. C. No. 33525. Sample No. 37862-L.)

**LIBEL FILED:** August 26, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 13, 1952, from a foreign country.

**PRODUCT:** 785 160-pound bags of green coffee at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of manure and rodent excreta.

**DISPOSITION:** February 2, 1953. Leon Israel & Bros., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Segregation operations resulted in the salvaging of 224 pounds of the product and in the destruction of 4,855 pounds.

**19403. Adulteration of green coffee. U. S. v. 7 Bags \* \* \*.** (F. D. C. No. 33500. Sample No. 37860-L.)

**LIBEL FILED:** July 31, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 11, 1952, from a foreign country.

**PRODUCT:** 7 180-pound bags of green coffee at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy coffee beans, and of a filthy substance by reason of the presence of foreign material. The article was adulterated while held for sale after shipment in interstate commerce.

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\*See also Nos. 19431, 19435-19437.



**DISPOSITION:** February 10, 1953. Default decree of condemnation and destruction.

**19404. Adulteration of roasted coffee. U. S. v. 88 Bags \* \* \*. (F. D. C. No. 30970. Sample No. 21317-L.)**

**LIBEL FILED:** On or about June 28, 1951, Eastern District of Louisiana; amended on January 9, 1952.

**ALLEGED SHIPMENT:** On or about April 21 and 23, 1951, by Angel Zardetto, from Guatemala.

**PRODUCT:** 88 152-pound bags of roasted coffee at New Orleans, La.

**NATURE OF CHARGE:** Original libel. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and Section 402 (b) (2), unsound, worthless berries and foreign materials had been substituted in whole or in part for coffee.

Amended libel. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed coffee berries; Section 402 (b) (3), the inferiority of the article had been concealed by the partial processing of the coffee prior to its importation from Guatemala; and, Section 402 (b) (4), substances had been added to the article and mixed and packed with it so as to reduce its quality and strength.

**DISPOSITION:** Pan-Gul Distributors, Inc., New Orleans, La., claimant, filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, written interrogatories were served upon the claimant and were answered. A motion to amend the libel to revise the adulteration charge against the product was filed, and on January 9, 1952, this motion was granted. A second series of interrogatories were served upon the claimant and were answered, and were followed by the subsequent service of written interrogatories by the claimant upon the Government and the submission of the Government's answers to such interrogatories.

The case came on for trial on October 16, 1952, at which time the claimant announced that he would abandon the case. Accordingly, on November 24, 1952, judgment of condemnation was entered and the court ordered that the product be destroyed.

**19405. Adulteration of coffee sweeps. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 33514. Sample No. 37847-L.)**

**LIBEL FILED:** August 6, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 4, 1952, from a place outside of the United States.

**PRODUCT:** 4 140-pound bags of coffee sweeps at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of manure. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 10, 1953. Default decree of condemnation and destruction.

**CEREALS AND CEREAL PRODUCTS****FLOUR**

**19406. Adulteration of flour. U. S. v. 257 Bags \* \* \*. (F. D. C. No. 33446. Sample No. 48376-L.)**

**LIBEL FILED:** July 1, 1952, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 25 and April 23, 1952, from Minneapolis, Minn.

**PRODUCT:** 257 bags, each containing 50 pounds, of flour at Mason City, Iowa, in the possession of the Pillsbury Distributing Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 1, 1952. Pillsbury Mills, Inc., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the good portion be separated from the bad portion and that the bad portion be converted into animal feed or otherwise disposed of in compliance with the law, under the supervision of a representative of the Federal Security Administrator. Of the 269 bags of the product that were actually seized, 16 bags were released as good and the remainder were denatured for use as animal feed.

**19407. Adulteration of flour. U. S. v. 15 Bags, etc. (F. D. C. No. 33633. Sample Nos. 48718-L, 48719-L.)**

**LIBEL FILED:** August 14, 1952, District of South Dakota.

**ALLEGED SHIPMENT:** On or about April 28 and July 10, 1952, from Chadron, Nebr., and Great Falls, Mont.

**PRODUCT:** 15 25-pound bags and 44 50-pound bags of flour at Rapid City, S. Dak., in the possession of the Bean Bag Market.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 22, 1952. The Bean Bag Market having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was denatured for use as animal feed.

**19408. Adulteration of flour. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 33593. Sample No. 2235-L.)**

**LIBEL FILED:** September 18, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 17, 1952, from Chattanooga, Tenn.

**PRODUCT:** 18 bags, each containing 50 pounds, of flour at Waycross, Ga., in the possession of the Dixie-Portland South Georgia Grocery Co.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 13, 1952. Default decree of condemnation and destruction.

**19409. Adulteration of self-rising flour. U. S. v. 67 Bags, etc. (F. D. C. No. 33531. Sample Nos. 2321-L, 2322-L.)**

**LIBEL FILED:** August 21, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 3, 1951, and April 22, 1952, from Chattanooga, Tenn.

**PRODUCT:** 106 25-pound bags and 79 10-pound bags of self-rising flour at Dublin, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 7, 1952. Default decree of condemnation. The court ordered that the product be destroyed or be delivered to a charitable institution, for use as animal feed.

#### MACARONI AND NOODLE PRODUCTS

**19410. Adulteration and misbranding of macaroni and spaghetti. U. S. v. 38 Cases, etc. (F. D. C. No. 33458. Sample Nos. 13536-L, 13537-L.)**

**LIBEL FILED:** July 10, 1952, District of Utah.

**ALLEGED SHIPMENT:** On or about April 10, 1952, by Ravarino & Freschi, Inc., from St. Louis, Mo.

**PRODUCT:** 38 cases, each containing 24 1-pound packages, of macaroni, and 88 cases, each containing 24 1-pound packages, of spaghetti at Salt Lake City, Utah.

**LABEL, IN PART:** "R-F Macaroni [or "Spaghetti"] One Pound Egg Product Contains 5½% Egg Solids."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg yolk, had been in part omitted from the articles.

Misbranding, Section 403 (a), the label statement "Contains 5½% Egg Solids" was false and misleading since the articles contained less than 5½ percent of egg yolk solids; and Section 403 (g) (1), the articles purported to be and were represented as noodle products, but they failed to conform to the definition and standard of identity for such products since the regulations require that the total solids of finished noodle products contain not less than 5½ percent by weight of the solids of egg or egg yolk, whereas the total solids of the articles contained less than 5½ percent by weight of the solids of egg yolk.

**DISPOSITION:** September 11, 1952. Ravarino & Freschi, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, conditioned that they be relabeled, under the supervision of the Food and Drug Administration.

**19411. Adulteration of noodles. U. S. v. Chin's Chow Mein, Inc. Plea of guilty. Fine, \$300.** (F. D. C. No. 32813. Sample Nos. 7331-L, 7332-L.)

**INFORMATION FILED:** August 29, 1952, Northern District of Ohio, against Chin's Chow Mein, Inc., Cleveland, Ohio.

**ALLEGED SHIPMENT:** On or about April 4 and 9, 1952, from the State of Ohio into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 26, 1952. A plea of guilty having been entered, the court fined the defendant \$300.

**19412. Adulteration and misbranding of egg noodles. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 33630. Sample No. 14248-L.)**

**LIBEL FILED:** August 7, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about June 10, 1952, by the Gooch Food Products, from Lincoln, Nebr.

**PRODUCT:** 100 cases, each containing 12 12-ounce packages, of egg noodles at Denver, Colo.

**LABEL, IN PART:** "Marco Pure Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg yolk, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for noodles since the total solids of the article contained less than 5.5 percent by weight of solids of egg yolk, the minimum permitted by the definition and standard.

**DISPOSITION:** October 13, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for human consumption.

### MISCELLANEOUS CEREALS

**19413. Adulteration of corn. U. S. v. 135,070 Pounds \* \* \*. (F. D. C. No. 33543. Sample Nos. 41772-L to 41774-L, incl.)**

**LIBEL FILED:** August 21, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 4, 1952, from Bordentown, N. J. This was a return shipment.

**PRODUCT:** 135,070 pounds of corn at Philadelphia, Pa. Examination showed that the bottom  $\frac{1}{10}$  of each of the three cars consisted of sour, moldy, and musty corn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sour, moldy, and musty corn.

**DISPOSITION:** November 24, 1952. The Pennsylvania Railroad Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be denatured. It was disposed of for use as cattle feed.



**19414. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33623. Sample No. 65267-L.)**

**LIBEL FILED:** August 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 15, 1952, by the Lemmon Grain Co., from Lemmon, S. Dak.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 11, 1952. The Lemmon Grain Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency. On September 4, 1952, the court entered an order by which the Farmers Union Grain Terminal Association, St. Paul, Minn., was substituted as claimant in lieu of the Lemmon Grain Co., and which provided that the product be reprocessed by scouring. The scouring process resulted in the destruction of 3,110 pounds of the product as unfit.

**19415. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33611. Sample No. 48966-L.)**

**LIBEL FILED:** July 31, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 8, 1952, by the Osborne-McMillan Elevator Co., from Omemee, N. Dak.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 11, 1952. The Osborne-McMillan Elevator Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring, under the supervision of the Federal Security Agency.

On March 13, 1953, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant in lieu of the Osborne-McMillan Elevator Co. As a result of the scouring operations, 6,390 pounds of the product were found unfit and were destroyed.

**19416. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33620. Sample No. 48969-L.)**

**LIBEL FILED:** August 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 17, 1952, by the Farmers Equity Union, from Rhame, N. Dak.

**PRODUCT:** 1 carload containing approximately 2,112 bushels (120,670 pounds) of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 13, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring, under the supervision of a representative of the Federal Security Administrator. As a result of the scouring operations, 4,210 pounds of the product were found unfit and were destroyed.

**19417. Adulteration of wheat. U. S. v. 120,000 Pounds, etc. (F. D. C. No. 33472. Sample No. 65253-L.)**

**LIBEL FILED:** July 16, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 26, 1952, by the Perley Farmers Cooperative Elevator Association, from Perley, Minn., to Superior, Wis., where it was reshipped to Duluth, Minn.

**PRODUCT:** 120,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 30, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Federal Security Agency. As a result of the scouring operations, 4,180 pounds of the product were found unfit and were destroyed.

**19418. Adulteration of wheat. U. S. v. 117,900 Pounds \* \* \*. (F. D. C. No 33459. Sample No. 48681-L.)**

**LIBEL FILED:** July 9, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 11, 1952, by the Schwartz Elevator Co., from Kenaston, N. Dak.

**PRODUCT:** 117,900 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 30, 1952. Pillsbury Mills, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency. On September 10, 1952, the decree was amended, pursuant to which the Farmers Union Grain Terminal Association, St. Paul, Minn., was substituted as claimant in lieu of Pillsbury Mills Inc.



The product was reprocessed by scouring, with the result that 9,740 pounds were found unfit and were destroyed.

**19419. Adulteration of wheat. U. S. v. 110,000 Pounds \* \* \*. (F. D. C. No. 33468. Sample No. 48686-L.)**

**LIBEL FILED:** July 15, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 19, 1952, by the Deutscher Elevator Co., from Streeter, N. Dak.

**PRODUCT:** 110,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 25, 1952. Peter Deutscher, Streeter, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Federal Security Agency. The product was reprocessed by the addition of approximately 13 gallons of Panogen, thereby rendering the product clearly distinguishable as seed wheat.

**19420. Adulteration of wheat. U. S. v. 90,000 Pounds \* \* \*. (F. D. C. No. 33461. Sample No. 48683-L.)**

**LIBEL FILED:** July 9, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 11, 1952, by the Grenora Farmers Elevator Co., from Grenora, N. Dak.

**PRODUCT:** 90,000 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Federal Security Agency. As a result of the reprocessing operations, 1,280 pounds of the product were found unfit and were destroyed.

## FISH AND SHELLFISH

**19421. Adulteration of whitefish. U. S. v. 32 Boxes \* \* \* (and 1 other seizure action). (F. D. C. No. 33444. Sample Nos. 33244-L, 33245-L.)**

**LIBELS FILED:** July 1, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about June 16, 1952, by the Star Fish Co., from Cleveland, Ohio.

**PRODUCT:** 50 boxes containing approximately 2,687 pounds of whitefish at Detroit, Mich.

**LABEL, IN PART:** "Hanson Bros. Eagle Lake Ont. \* \* \* Whitefish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** August 18, 1952. Default decrees of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

**19422. Adulteration of frozen fish fillets. U. S. v. 94 Tins \* \* \*. (F. D. C. No. 33454. Sample No. 35933-L.)**

**LIBEL FILED:** July 3, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 7, 1952, by Pick Fisheries, Inc., from Chicago, Ill.

**PRODUCT:** 94 25-pound tins of frozen fish fillets at Sharon, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** November 24, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as fertilizer.

**19423. Adulteration of canned kippered herring. U. S. v. 500 Cases \* \* \*. (F. D. C. No. 33456. Sample No. 39735-L.)**

**LIBEL FILED:** July 7, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about May 12, 1952, by Chr. Bjelland & Co., from Stavanger, Norway.

**PRODUCT:** 500 cases, each containing 50 4-ounce cans, of kippered herring at Los Angeles, Calif.

**LABEL, IN PART:** "King Oscar Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

**DISPOSITION:** July 28, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Segregation operations resulted in the salvaging of 288½ cases and 50 cans of the product. The rejects, 1¾ cases and 50 cans, were destroyed.

**19424. Adulteration of frozen shrimp. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 33605. Sample No. 42286-L.)**

**LIBEL FILED:** July 30, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 23, 1952, by the Ho-Ma Sales Co., from Houma, La.

**PRODUCT:** 14 cases, each containing 24 12-ounce packages, of frozen shrimp at Oakland, Calif.

**LABEL, IN PART:** "Ho-Ma Brand Frozen Headless Shrimp Small."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.



**DISPOSITION:** November 4, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19425. Adulteration of canned oranges. U. S. v. 413 Cases, etc. (F. D. C. No. 31039. Sample No. 27701-L.)**

**LIBEL FILED:** May 9, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 26, 1951, by Naigai Trading Co., Ltd., from Shimizu, Japan.

**PRODUCT:** 1,023 cases, each containing 48 11-ounce cans, of oranges at San Francisco, Calif.

**LABEL, IN PART:** "Food Crest Peeled Sections Mandarin Oranges In Light Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

**DISPOSITION:** August 3, 1951. The American Trading Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reconditioned and salvaged under the supervision of the Federal Security Agency. 519 cases and 39 cans were brought into compliance with the law, and 460 cases and 38 cans were destroyed.

**19426. Misbranding of canned peaches. U. S. v. 149 Cases \* \* \*. (F. D. C. No. 33556. Sample No. 28203-L.)**

**LIBEL FILED:** August 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 22, 1952, by the Pacific Grape Products Co., from Modesto, Calif.

**PRODUCT:** 149 cases, each containing 24 cans, of peaches at Kingston, N. Y.

**LABEL, IN PART:** (Can) "Cheerio Brand In Heavy Syrup Halves Yellow Home Style Freestone Peaches \* \* \* Contents 1 Lb. 13 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (2), the product failed to meet the standard of fill of container for canned peaches, and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** January 6, 1953. F. B. Matthews & Co., Inc., Kingston, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

**19427. Misbranding of canned peaches. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 33488. Sample No. 40711-L.)**

**LIBEL FILED:** July 25, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 9, 1952, by the Olympia Canning Co., from Olympia, Wash.

**PRODUCT:** 99 cases, each containing 24 1-pound, 1-ounce cans, of peaches at Philadelphia, Pa.

**LABEL, IN PART:** "Class 'A' Sliced Elberta Yellow Freestone Peaches In Extra Heavy Syrup Net Weight 1 Lb. 1 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Class 'A'" and the vignette on the label showing evenly sliced peaches of apparently top quality were false and misleading since the product was not class A and was not of top quality since the peaches had a poor appearance due to crushed and broken pieces and uneven slices.

**DISPOSITION:** September 16, 1952. The Olympia Canning Co., Olympia, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

### VEGETABLES AND VEGETABLE PRODUCTS

**19428. Adulteration of mung beans. U. S. v. 5 Bags \* \* \*. (F. D. C. No. 33549. Sample No. 37874-L.)**

**LIBEL FILED:** August 25, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 18, 1952, from Indochina.

**PRODUCT:** 5 100-pound bags of mung beans at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-bored beans, manure, dirt, and miscellaneous debris, and of a decomposed substance by reason of the presence of moldy beans.

**DISPOSITION:** February 9, 1953. Default decree of condemnation and destruction.

**19429. Adulteration of canned spinach. U. S. v. 113 Cases \* \* \*. (F. D. C. No. 33626. Sample No. 33805-L.)**

**LIBEL FILED:** August 4, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about June 10, 1952, by the Fayetteville Canning & Supply Co., From Springdale, Ark.

**PRODUCT:** 113 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Detroit, Mich. Examination showed that the product was undergoing decomposition.

**LABEL, IN PART:** (Can) "Queen's Taste Brand \* \* \* Spinach Packed By Rush Canning Co. Springdale, Arkansas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 5, 1952. Default decree of condemnation and destruction.

**19430. Adulteration of canned chopped turnip greens. U. S. v. 199 Cases \* \* \*. (F. D. C. No. 33546. Sample No. 2152-L.)**

**LIBEL FILED:** August 27, 1952, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about May 28, 1952, by the Besco Products Co., from Zebulon, Ga.

**PRODUCT:** 199 cases, each containing 24 1-pound, 2-ounce cans, of chopped turnip greens at Charlotte, N. C.

**LABEL, IN PART:** (Can) "Miss Georgia Brand Chopped Turnip Greens."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

**DISPOSITION:** January 29, 1953. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**19431. Adulteration of carrot juice. U. S. v. 119 Cases \* \* \*. (F. D. C. No. 33604. Sample No. 30628-L.)**

**LIBEL FILED:** July 23, 1952, District of Idaho.

**ALLEGED SHIPMENT:** On or about February 15, 1946, from Eugene, Oreg.

**PRODUCT:** 119 cases, each containing 24 1-pint, 2-fluid ounce cans, of carrot juice at Lewiston, Idaho.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (The article was undergoing chemical decomposition.) It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 2, 1952. Default decree of condemnation and destruction.

#### TOMATOES AND TOMATO PRODUCTS

**19432. Adulteration of canned tomatoes. U. S. v. 862 Cases \* \* \*. (F. D. C. No. 33482. Sample No. 44003-L.)**

**LIBEL FILED:** July 30, 1952, District of Nebraska.

**ALLEGED SHIPMENT:** On or about April 14, 1952, by the Ingalls Canning Co., from Ingalls, Ind.

**PRODUCT:** 862 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Omaha, Nebr.

**LABEL, IN PART:** "Brimful Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 17, 1952. Default decree of condemnation and destruction.

**19433. Adulteration of canned tomatoes. U. S. v. 47 Cases \* \* \*. (F. D. C. No. 33627. Sample No. 4-L.)**

**LIBEL FILED:** August 1, 1952, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about April 24, 1952, by Southland Grocery Co., Inc., from Columbus, Ga.

**PRODUCT:** 47 cases, each containing 24 14-ounce cans, of tomatoes at Eufaula, Ala.

**LABEL, IN PART:** (Cans) "Zakly-Rite Hand Packed Tomatoes \* \* \* Contents 14 Oz. Avoir. \* \* \* Distributed By Woodside Canning Co. Woodside, Del."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 5, 1952. Default decree of condemnation and destruction.

19434. Misbranding of canned tomatoes. U. S. v. 798 Cases \* \* \*. (F. D. C. No. 33591. Sample No. 41754-L.)

LIBEL FILED: September 12, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 1, 1952, by A. W. Sisk & Son, from Preston, Md.

PRODUCT: 798 cases, each containing 24 1-pound cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Le Anda Tomatoes With Added Tomato Juice Packed by Walter T. Andrews & Son Cambridge, Maryland U. S. A."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the article contained excessive tomato peel and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 12, 1952. Walter T. Andrews & Son, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

19435. Adulteration of tomato juice. U. S. v. 393 Cases \* \* \*. (F. D. C. No. 33237. Sample Nos. 27249-L, 38610-L.)

LIBEL FILED: May 8, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 20, 1952, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 393 cases, each containing 48 5½-ounce cans, of tomato juice at New York, N. Y.

LABEL, IN PART: "Sacramento Brand California Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

DISPOSITION: October 9, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion and the destruction of the unfit portion under the supervision of the Federal Security Agency. 354 cases and 120 cans of the product were salvaged, and 30 cases and 36 cans were destroyed.

19436. Adulteration of tomato juice. U. S. v. 80 Cases \* \* \*. (F. D. C. No. 33262. Sample Nos. 49197-L, 49198-L.)

LIBEL FILED: May 21, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about December 28, 1951, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 80 cases, each containing 48 5½-ounce cans, of tomato juice at Lyndhurst, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)



DISPOSITION: October 27, 1952. The shipper, claimant, having withdrawn its claim, judgment of condemnation and destruction was entered.

19437. Adulteration of tomato juice. U. S. v. 11 Cases \* \* \* (and one other seizure action). (F. D. C. Nos. 33452, 33453. Sample Nos. 29663-L, 29664-L.)

LIBELS FILED: On or about July 8, 1952, District of Montana.

ALLEGED SHIPMENT: On or about October 12, 1951, and February 28, 1952, by the Pacific Fruit & Produce Co., from Oakland, Calif.

PRODUCT: 11 cases, each containing 48 5½-ounce cans, of tomato juice at Bozeman, Mont., and 48 cases, each containing 48 5½-ounce cans, of tomato juice at Butte, Mont.

LABEL, IN PART: (Can) "Standby Fancy Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 22, 1952. Default decrees of condemnation. The court ordered that the marshal deliver the product to the State hospital, for use as animal feed; that if the product was not accepted by the hospital, that the marshal deliver it to some similar public institution; and that if no such institution would accept it, that it be destroyed.

## NUTS AND NUT PRODUCTS

19438. Adulteration of shelled peanuts. U. S. v. 7 Bags \* \* \*. (F. D. C. No. 33555. Sample No. 3548-L.)

LIBEL FILED: August 26, 1952, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about May 28, 1952, from Hawkinsville, Ga.

PRODUCT: 7 120-pound bags of shelled peanuts at Dunn, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1952. Default decree of condemnation and destruction.

19439. Adulteration of pistachio nuts. U. S. v. 18 Bags, etc. (F. D. C. No. 33554. Sample Nos. 37215-L, 37216-L.)

LIBEL FILED: August 25, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 2, 1952, from Italy and Iran.

PRODUCT: 29 150-pound bags of pistachio nuts at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy nuts, and of a decomposed substance by reason of the presence of decomposed nuts; and it was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1952. Joseph A. Zaloom & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for

segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Approximately 635 pounds of the product were found unfit and were denatured.

**19440. Adulteration of pistachio nuts. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 33503. Sample No. 37212-L.)**

**LIBEL FILED:** August 1, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 4, 1952, from Iran.

**PRODUCT:** 20 150-pound bags of pistachio nuts at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 29, 1952. The American Pistachio Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 117 pounds of the product were found unfit and were denatured and 2,528 pounds were salvaged.

**19441. Adulteration of desiccated coconut. U. S. v. 52 Bags \* \* \*. (F. D. C. No. 33279. Sample No. 4043-L.)**

**LIBEL FILED:** On or about May 29, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about December 18, 1951, from Columbus, Ohio.

**PRODUCT:** 52 100-pound bags of desiccated coconut at Baltimore, Md., in the possession of the Rukert Terminals Corp.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, rodent urine, and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 3, 1952. The Rukert Terminals Corp., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be segregated and reconditioned in compliance with the law, under the supervision of the Food and Drug Administration. 42 bags of the product were salvaged, and the remainder were denatured.

## POULTRY

**19442. Adulteration of dressed poultry. U. S. v. 6 Crates \* \* \*. (F. D. C. No. 33494. Sample No. 44227-L.)**

**LIBEL FILED:** July 25, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 21, 1952, by Gaidmore Poultry Co., Inc., from Milford, N. H.

**PRODUCT:** 6 60-pound crates of dressed poultry at Boston, Mass.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of excessively bruised birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** July 30, 1952. Default decree of condemnation and destruction.

**19443. Adulteration of dressed poultry. U. S. v. 5 Crates \* \* \*. (F. D. C. No. 33506. Sample No. 49511-L.)**

**LIBEL FILED:** On or about August 4, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 12, 1952, by the Hanline Poultry Co., from Charlotte, N. C.

**PRODUCT:** 5 crates, each containing 68 pounds, of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** January 8, 1953. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19444. Adulteration of frozen turkeys. U. S. v. 3,575 Pounds \* \* \*. (F. D. C. No. 33483. Sample No. 36244-L.)**

**LIBEL FILED:** July 21, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 7, 1952, by the Irving Manaster Co., from Chicago, Ill.

**PRODUCT:** 3,575 pounds of frozen turkeys in 46 boxes at Cleveland, Ohio. Examination showed that the product was injected with water.

**LABEL, IN PART:** "Better Quality Drawn Young Tom Turkeys" or "Marion Farms \* \* \* Drawn Young Tom Turkeys."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for frozen turkeys; and, Section 402 (b) (4), water had been added to the article or mixed or packed with it so as to increase its bulk or weight or reduce its quality or strength.

**DISPOSITION:** November 26, 1952. Default decree of condemnation and destruction.

**19445 Adulteration of frozen turkeys. U. S. v. 8 Boxes \* \* \*. (F. D. C. No. 33430. Sample No. 11764-L.)**

**LIBEL FILED:** June 25, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 9, 1952, by the Marshall Poultry Co., from Chicago, Ill.

**PRODUCT:** 8 boxes of turkeys, each box containing 4 frozen turkeys, at Cincinnati, Ohio.

**LABEL, IN PART:** "Arlington Processed Drawn Young Tom Turkeys."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for frozen turkeys; and, Section 402 (b) (4), water had been added to the product or mixed or packed with it so as to increase its bulk or weight or reduce its quality or strength.

**DISPOSITION:** August 11, 1952. Default decree of condemnation. The court ordered that the product be delivered to the State hospital. (3 boxes containing approximately 264 pounds of turkeys were seized.)

**19446. Adulteration of canned chicken fricassee. U. S. v. 46 Cases \* \* \*.**  
(F. D. C. No. 33473. Sample No. 16667-L.)

**LIBEL FILED:** July 16, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about June 4, 1952, by the Independence Canning Corp., from Independence, Iowa.

**PRODUCT:** 46 cases, each containing 6 3-pound cans, of chicken fricassee at Kansas City, Kans.

**LABEL, IN PART:** "Premier Chicken Fricassee In Butter Gravy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 4, 1952. Default decree of condemnation and destruction.

## **SPICES, FLAVORS, AND SEASONING MATERIALS**

**19447. Adulteration of nutmegs. U. S. v. 63 Bags \* \* \*.** (F. D. C. No. 33536. Sample No. 38386-L.)

**LIBEL FILED:** August 21, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 11, 1952, from a foreign country.

**PRODUCT:** 63 120-pound bags of nutmegs at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects and insect-damaged material. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 12, 1952. Arthur G. Dunn, New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for fumigating, cracking, sifting, blowing, and brushing so as to eliminate the unfit portion of the product. As a result of such operations, approximately 1,171 pounds of the product were found unfit and were destroyed.

**19448. Adulteration of turmeric. U. S. v. 185 Bags \* \* \*.** (F. D. C. No. 33542. Sample No. 36875-L.)

**LIBEL FILED:** August 29, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 5, 1951, from India.

**PRODUCT:** 185 175-pound bags of turmeric at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 31, 1952. The Otto Gerda Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was segregated, with the result that approximately 2,927 pounds were found unfit and were denatured.

**19449. Adulteration and misbranding of lemon oil. U. S. v. 4 Cans \* \* \*.**  
(F. D. C. No. 33629. Sample No. 35403-L.)



**LIBEL FILED:** August 4, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 11, 1952, by Geo. Lueders & Co., from New York, N. Y.

**PRODUCT:** 4 25-pound cans of lemon oil at Des Moines, Iowa.

**LABEL, IN PART:** "Quality Pure Italian Lemon Oil Manufactured by Cougini Caminiti Messina, Italy."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an oil other than lemon oil had been substituted for lemon oil, which the article was represented to be. Misbranding, Section 403 (a), the label statement "Quality Pure \* \* \* Lemon Oil" was false and misleading as applied to the article, which consisted of an oil other than lemon oil.

**DISPOSITION:** September 4, 1952. Default decree of condemnation and destruction.

**19450. Adulteration and misbranding of french dressing. U. S. v. 23 Cases, etc.**  
(F. D. C. No. 33443. Sample Nos. 48345-L, 48346-L.)

**LIBEL FILED:** July 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 3 and 12, 1952, by Henri's Food Products Co., from Milwaukee, Wis.

**PRODUCT:** 23 cases, each containing 24 8-ounce bottles, and 6 cases, each containing 12 16-ounce bottles, of french dressing at Minneapolis, Minn.

**LABEL, IN PART:** (Bottle) "Henri's Delicious French Dressing Contains: Edible Oil, Tomatoes, Vinegar, Sugar and Spices."

**NATURE OF CHARGE:** Adulteraton, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in whole or in part omitted from the article. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for french dressing since it contained less than 35 percent by weight of vegetable oil, the minimum permitted by the standard.

**DISPOSITION:** October 23, 1952. Default decree of condemnation. The court ordered that the product be destroyed unless it was distributed by the marshal to charitable institutions, with the understanding that the vegetable oil had been omitted.

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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19451-19500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 21, 1953.*

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## CANDY

**19451. Adulteration and misbranding of candy. U. S. v. 13 Cases \* \* \*. (F. D. C. No. 33529. Sample No. 6715-L.)**

**LIBEL FILED:** August 18, 1952, District of Maine.

**ALLEGED SHIPMENT:** On or about July 28, 1952, by Empire State Nut Co., Inc., from Albany, N. Y.

**PRODUCT:** 13 cases, each containing 12 16-ounce bags, of candy at Portland, Maine.

**LABEL, IN PART:** (Bag) "Capitol Brand Peanut Butter Kisses \* \* \* Net Weight 16 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bags of candy were short of the declared weight.)

**DISPOSITION:** August 28, 1952. Consent decree of condemnation and destruction.

**19452. Adulteration of candy. U. S. v. 84 Boxes \* \* \*. (F. D. C. No. 33402. Sample No. 7924-L.)**

**LIBEL FILED:** June 16, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 15, 1952, by the Liberty Chocolate Co., from Boston, Mass.

**PRODUCT:** 84 boxes of candy at New Brighton, Pa.

**LABEL, IN PART:** "1 Cent Each Pie Plates."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 25, 1952. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**19453. Adulteration of flour. U. S. v. 587 Bags \* \* \*. (F. D. C. No. 34056. Sample No. 69155-L.)**

**LIBEL FILED:** On or about October 31, 1952, Western District of Texas.

**ALLEGED SHIPMENT:** On or about September 26, 1952, from Denver, Colo.

**PRODUCT:** 587 100-pound bags of flour at El Paso, Tex., in the possession of Heid Bros. Corp.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** December 5, 1952. Heid Bros. Corp., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**19454. Adulteration of flour. U. S. v. 255 Sacks \* \* \*. (F. D. C. No. 34082. Sample No. 49461-L.)**

**LIBEL FILED:** October 28, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 6, 1952, from Lincoln, Nebr.

**PRODUCT:** 255 100-pound sacks of flour at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 12, 1952. The Gooch Milling & Elevator Co., Lincoln, Nebr., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**19455. Adulteration of flour. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 34062. Sample No. 19919-L.)**

**LIBEL FILED:** September 19, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 29, 1952, by the International Milling Co, from New Prague, Minn.

**PRODUCT:** 100 100-pound bags of flour at Davenport, Iowa.

**LABEL, IN PART:** "Robin Hood Enriched All Purpose Flour Bleached."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** October 14, 1952. Default decree of forfeiture. The court ordered that, in lieu of destruction, the product be delivered to a public or charitable institution, for use as animal feed.

**19456. Adulteration of flour. U. S. v. 59 Bags \* \* \*. (F. D. C. No. 34055. Sample No. 4577-L.)**

**LIBEL FILED:** October 28, 1952, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 25, 1952, from Minneapolis, Minn.

**PRODUCT:** 59 100-pound bags of flour at Charleston, W. Va., in the possession of the Elk Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 21, 1952. The Elk Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**19457. Adulteration of flour. U. S. v. 46 Bags \* \* \* .** (F. D. C. No. 33943. Sample No. 59111-L.)

**LIBEL FILED:** On or about October 23, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 22, 1952, from Springfield, Ill.

**PRODUCT:** 46 100-pound bags of flour at Tampa, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 9, 1952. Default decree of condemnation and destruction.

**19458. Adulteration of flour. U. S. v. 14 Bags, etc.** (F. D. C. No. 33595. Sample Nos. 2231-L to 2234-L, incl.)

**LIBEL FILED:** September 18, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about March 31, May 8, June 9, and July 7, 1952, from Chattanooga, Tenn., Fort Worth, Tex., and Jacksonville, Fla.

**PRODUCT:** 35 25-pound bags and 18 100-pound bags of flour at Waycross, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 13, 1952. Default decree of condemnation and destruction.

**19459. Adulteration of flour. U. S. v. 20 Bags \* \* \* .** (F. D. C. No. 33977. Sample No. 19929-L.)

**LIBEL FILED:** September 29, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about May 8, 1952, from Salina, Kans.

**PRODUCT:** 20 50-pound bags of flour at Davenport, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 31, 1952. Default decree of forfeiture. The court ordered that the product be delivered to a public institution, for use as animal feed.

**19460. Adulteration of flour. U. S. v. 9 Bags \* \* \* .** (F. D. C. No. 34084. Sample No. 59119-L.)

**LIBEL FILED:** On or about November 3, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about April 16, 1952, from Fort Worth, Tex.

**PRODUCT:** 9 100-pound bags of flour at Tampa, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 9, 1952. Default decree of condemnation and destruction.



## MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

19461. Adulteration of rolled oats. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 34070. Sample No. 35850-L.)

LIBEL FILED: September 25, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 8, 1951, from Battle Creek, Mich.

PRODUCT: 40 5-pound bags of rolled oats at Toledo, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 27, 1952. Default decree of condemnation and destruction.

19462. Adulteration of rice. U. S. v. 12 Sacks \* \* \*. (F. D. C. No. 34071. Sample No. 35830-L.)

LIBEL FILED: September 25, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 4, 1951, from Norfolk, Va.

PRODUCT: 12 100-pound sacks of rice at Toledo, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 3, 1952. Default decree of condemnation and destruction.

19463. Adulteration of rice and barley. U. S. v. 23 Bags, etc. (F. D. C. No. 34074. Sample Nos. 8197-L, 8198-L.)

LIBEL FILED: September 25, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 8, 1951, and June 16, 1952, from Stuttgart, Ark., and Akron, Ohio.

PRODUCT: 23 25-pound bags of rice and 5 100-pound bags of barley at Pittsburgh, Pa., in the possession of M. J. Laughery & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects and rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 24, 1952. Default decree of condemnation. The court ordered that the products be delivered to a county institution, for use as animal feed.

19464. Adulteration of wheat. U. S. v. 2,000 Bushels \* \* \*. (F. D. C. No. 33635. Sample No. 65579-L.)

LIBEL FILED: August 13, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about July 21, 1952, by the Farmers Union Grain Terminal Association, from Joplin, Mont.

PRODUCT: 2,000 bushels of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 26, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency.

The product was scoured, with the result that 4,250 pounds of scourings were obtained and were destroyed.

**19465. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33657. Sample No. 65154-L.)**

**LIBEL FILED:** August 26, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 7, 1952, by the HiLine Farmers Union Grain Co., from Peak, N. Dak.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** September 10, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Federal Security Agency.

As a result of the scouring operations, 4,330 pounds of the product were found unfit and were destroyed.

**19466. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33624. Sample No. 65268-L.)**

**LIBEL FILED:** August 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 15, 1952, by Bert Henry & Sons, from Dunning, N. Dak.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 13, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of removing the flax which had been found to be in the product and for reprocessing the wheat by scouring, under the supervision of the Federal Security Agency.

The wheat was separated from the flax, with the result that, out of the 77,520 pounds contained in the railroad car, 21,940 pounds were found to



consist of wheat. This wheat was reprocessed by scouring, with the result that 710 pounds of the product were found unfit and were destroyed.

**19467. Adulteration of wheat. U. S. v. 19 Bags \* \* \*. (F. D. C. No. 33621. Sample No. 48969-L.)**

**LIBEL FILED:** August 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 17, 1952, by the Farmers Equity Union, from Rhame, N. Dak.

**PRODUCT:** 19 100-pound bags of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** October 24, 1952. Default decree of destruction.

## EGGS AND EGG PRODUCTS

**19468. Adulteration of frozen eggs. U. S. v. 900 Cans \* \* \*. (F. D. C. No. 33994. Sample No. 42314-L.)**

**LIBEL FILED:** October 10, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 17, 1952, by the D. M. Edmonds Co., from Salt Lake City, Utah.

**PRODUCT:** 900 30-pound cans of frozen eggs at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** January 22, 1953. D. M. Edmonds of D. M. Edmonds Co., Salt Lake City, Utah, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

The product was segregated, with the result that 247 cans of the product were found to be bad and were denatured for use in the manufacture of dog food.

**19469. Adulteration of frozen eggs. U. S. v. 632 Cans \* \* \*. (F. D. C. No. 33450. Sample No. 48349-L.)**

**LIBEL FILED:** July 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 11, 17, and 19, 1952, by the Wist Produce Co., from Webster, S. Dak.

**PRODUCT:** 632 30-pound cans of frozen eggs at Minneapolis, Minn.

**LABEL, IN PART:** (Cans) "Armour Cloverbloom Frozen Whole Eggs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** August 28, 1952. Armour & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that

the unfit portion be segregated and destroyed, under the supervision of the Federal Security Agency. 635 cans of the product were seized, and of these, 102 cans were found to be unfit and were denatured and the remainder were released as passable.

**19470. Adulteration of frozen egg whites. U. S. v. 400 Cans \* \* \*. (F. D. C. No. 33447. Sample No. 28661-L.)**

**LIBEL FILED:** July 3, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 17, 1952, by the Portland Egg & Poultry Co., from Portland, Oreg.

**PRODUCT:** 400 30-pound cans of frozen egg whites at Oakland, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** August 4, 1952. Joe Erdmann, Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the good eggs be separated from the bad, under the supervision of a representative of the Federal Security Administrator.

Of the 382 cans of the product which were seized, 54 cans were segregated as unfit and were destroyed and the remainder were released as passable.

## FISH AND SHELLFISH

**19471. Adulteration of dried stockfish. U. S. v. 6 Bales \* \* \*. (F. D. C. No. 33646. Sample No. 13939-L.)**

**LIBEL FILED:** August 29, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about November 5, 1951, from Minneapolis, Minn.

**PRODUCT:** 6 bales of dried stockfish at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 7, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

**19472. Adulteration of whitefish. U. S. v. 270 Pounds \* \* \*. (F. D. C. No. 33644. Sample No. 36264-L.)**

**LIBEL FILED:** August 15, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 4, 1952, by Armstrong Gimli Fisheries, Ltd., from Winnipeg, Manitoba.

**PRODUCT:** 270 pounds of whitefish in boxes at Cleveland, Ohio.

**LABEL, IN PART:** "Fancipak \* \* \* Winnipegosis Small Dr. White."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** September 12, 1952. Default decree of condemnation and destruction.



**19473. Misbranding of canned crabmeat. U. S. v. 19 Cases \* \* \*. (F. D. C. No. 33643. Sample No. 41925-L.)**

**LIBEL FILED:** August 14, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about July 31, 1952, by United Grocers, Ltd., from San Francisco, Calif.

**PRODUCT:** 19 cases, each containing 24 7 $\frac{3}{4}$ -ounce cans, of crabmeat at Hawaii, T. H.

**LABEL, IN PART:** "Wave King Brand Packed Fresh Dungeness Fancy Crabmeat \* \* \* Packed by Hallmark Fisheries Coos Bay Charleston, Oregon."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Fancy" was false and misleading since the article was not fancy because of its discoloration.

**DISPOSITION:** November 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for its use and not for sale.

**19474. Adulteration and misbranding of oysters. U. S. v. 254 Cans, etc. (F. D. C. No. 34079. Sample Nos. 57335-L, 57336-L.)**

**LIBEL FILED:** September 26, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 23, 1952, by the McNasby Oyster Co., from Annapolis, Md.

**PRODUCT:** 368 cans of oysters at Cleveland, Ohio.

**LABEL, IN PART:** "Fres-Shore \* \* \* Oysters Standards [or "Selects"] One Pint."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short of the declared volume.)

**DISPOSITION:** October 3, 1952. The shipper and consignee having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the oysters be disposed of either by delivery to a charitable institution or by destruction. Because of the condition of the oysters, they were destroyed.

**19475. Adulteration of canned shrimp. U. S. v. Pelican Oyster & Fish Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 33804. Sample No. 22221-L.)**

**INFORMATION FILED:** September 17, 1952, Eastern District of Louisiana, against the Pelican Oyster & Fish Co., a partnership, New Orleans, La.

**ALLEGED SHIPMENT:** On or about January 18, 1952, from the State of Louisiana into the State of Alabama.

**LABEL, IN PART:** (Can) "Frostie Brand Medium Wet Pack Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** October 1, 1952. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200.

## FRUITS AND VEGETABLES

### FROZEN FRUIT

**19476. Misbranding of frozen peaches. U. S. v. 498 Cases \* \* \*. (F. D. C. No. 33996. Sample No. 33823-L.)**

**LIBEL FILED:** October 8, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about September 14, 1952, by the Winter Garden Co., from Knoxville, Tenn.

**PRODUCT:** 498 cases, each containing 24 cans, of frozen peaches at Grand Rapids, Mich.

**LABEL, IN PART:** "Winter Garden Frozen Sliced with Syrup Peaches Net Wt. 10½ Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container was so filled as to be misleading since the cans could hold more peaches than were contained therein; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. 10½ Ozs." was inaccurate (the article was short of the declared weight).

**DISPOSITION:** November 3, 1952. The Winter Garden Co., Knoxville, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law and relabeled, under the supervision of the Federal Security Agency.

**19477. Adulteration of frozen strawberries. U. S. v. 346 Cases \* \* \*. (F. D. C. No. 34075. Sample No. 13943-L.)**

**LIBEL FILED:** September 29, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 11, 1952, by the Northwest Cold Pack Co., from Seattle, Wash.

**PRODUCT:** 346 cases, each containing 4 10-pound cartons, of frozen strawberries at Denver, Colo.

**LABEL, IN PART:** "Camano Brand Sliced Marshall Strawberries \* \* \* Packed By Twin City Foods, Inc. Stanwood, Washington."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

**DISPOSITION:** November 18, 1952. Decree of condemnation and destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

**19478. Adulteration and misbranding of canned white kidney beans. U. S. v. D. E. Foote & Co., Inc., Vernon S. Crawford, and Charles W. St. Clair. Pleas of guilty. Fine of \$500, plus costs, against corporation and fine of \$100 against each individual. (F. D. C. No. 33821. Sample Nos. 6382-L, 38512-L.)**



**INFORMATION FILED:** November 17, 1952, District of Maryland, against D. E. Foote & Co., Inc., Baltimore, Md., and Vernon S. Crawford and Charles W. St. Clair, president and vice president, respectively, of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of October 31, 1951, and February 5, 1952, from the State of Maryland into the States of New York and Massachusetts.

**LABEL, IN PART:** (Can) "Torino Brand White Kidney Beans Cannellini" or "Flavor Pack Family Brand White Kidney Beans Cannellini Cotti."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a variety of beans other than white kidney had been substituted for white kidney beans or cannellini.

Misbranding, Section 403 (a), the label statements "Cannellini \* \* \* White Kidney Beans" were false and misleading since the product was a variety of beans other than cannellini or white kidney beans.

**DISPOSITION:** February 20, 1953. Pleas of guilty having been entered, the court imposed a fine of \$500, plus costs, against the corporation and a fine of \$100 against each of the individuals.

**19479. Adulteration and misbranding of canned lima beans. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 34066. Sample No. 56512-L.)**

**LABEL FILED:** September 26, 1952, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 16 and 30, 1952, by the Fresh Canning Co., Inc., from Spiro, Okla.

**PRODUCT:** 99 cases, each containing 48 15-ounce cans, of lima beans at Nashville, Tenn.

**LABEL, IN PART:** "Baby Shug Green and White Baby Lima Beans."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing dried soaked lima beans had been substituted for canned lima beans.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned lima beans since the standard provides that the vegetable ingredient is obtained by proper preparation from the succulent vegetable, whereas the article was prepared from dried soaked lima beans.

**DISPOSITION:** October 27, 1952. Fresh Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

**19480. Adulteration of canned spinach. U. S. v. 596 Cases \* \* \*. (F. D. C. No. 33659. Sample No. 14926-L.)**

**LABEL FILED:** On or about August 26, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 9 and 18, 1952, by the Allen Canning Co., from Siloam Springs, Ark.

**PRODUCT:** 596 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Kansas City, Mo.

**LABEL, IN PART:** (Can) "The Allens Brand \* \* \* Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of stemworms and moth larvae.

**DISPOSITION:** October 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to a city institution, for use as hog feed.

**19481. Adulteration of canned okra dinner. U. S. v. 32 Cases \* \* \*. (F. D. C. No. 34023. Sample No. 22610-L.)**

**LIBEL FILED:** October 15, 1952, Eastern District of Texas.

**ALLEGED SHIPMENT:** On or about April 1 and May 12, 1952, from St. Martinville, La.

**PRODUCT:** 32 cases, each containing 24 14-ounce cans, of okra dinner.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 2, 1953. Default decree of condemnation and destruction.

**19482. Adulteration of sweet pickle relish. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 33934. Sample No. 66664-L.)**

**LIBEL FILED:** October 15, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 16, 1952, by Colony Foods, from Vineland, N. J.

**PRODUCT:** 18 cases, each containing 24 8-ounce jars, of sweet pickle relish at Philadelphia, Pa.

**LABEL, IN PART:** (Jar) "Arleen Brand Fancy Sweet India Relish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 26, 1953. Default decree of condemnation and destruction.

## **TOMATOES AND TOMATO PRODUCTS**

**19483. Adulteration and misbranding of canned tomatoes. U. S. v. 187 Cases \* \* \*. (F. D. C. No. 34051. Sample No. 8632-L.)**

**LIBEL FILED:** October 30, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about September 15, 1952, by the Lee W. Noble Co., from Cannon, Del.

**PRODUCT:** 187 cases, each containing 24 1-pound, 11-ounce cans, of tomatoes at Elmira, N. Y.

**LABEL, IN PART:** "Red-Glo Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the



label of the article failed to bear, in such manner and form as the regulations specify, a statement that the article fell below such standard.

**DISPOSITION:** December 9, 1952. Default decree of condemnation and destruction.

**19484. Adulteration of canned tomatoes. U. S. v. 109 Cases \* \* \*. (F. D. C. No. 34072. Sample No. 8471-L.)**

**LIBEL FILED:** September 26, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about August 22, 1952, by Carlton Clifton & Sons, from Milford, Del.

**PRODUCT:** 109 cases, each containing 24 1-pound cans, of tomatoes at Schenectady, N. Y.

**LABEL, IN PART:** (Can) "Pine Cone Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 18, 1952. Default decree of condemnation and destruction.

**19485. Adulteration of tomato juice. U. S. v. 944 Cases \* \* \*. (F. D. C. No. 33695. Sample No. 15869-L.)**

**LIBEL FILED:** On or about September 17, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 18, 1952, by the L. H. Moore Canning Co., from McAllen, Tex.

**PRODUCT:** 944 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Kansas City, Mo.

**LABEL, IN PART:** "Taste Tells Brand Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 10, 1952. A default decree of condemnation was entered and the court ordered that the product be delivered to the Municipal Farm, for use as hog feed.

**19486. Adulteration and misbranding of tomato puree. U. S. v. 247 Cases \* \* \*. (F. D. C. No. 33238. Sample No. 27010-L.)**

**LIBEL FILED:** May 5, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about March 27, 1952, by the Fair View Packing Co., from Hollister, Calif.

**PRODUCT:** 247 cases, each containing 24 1-pound, 13-ounce cans, of tomato puree at South Boston, Mass.

**LABEL, IN PART:** (Can) "Blue Sky Fancy California Concentrated Tomato Puree Contents 1 Lb. 13 Ozs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "1 Lb. 13 Ozs."

**DISPOSITION:** April 15, 1953. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

19487. Adulteration of shelled peanuts and unshelled peanuts. U. S. v. 75 Bags, etc. (F. D. C. No. 33637. Sample Nos. 18011-L, 18012-L.)

LIBEL FILED: August 13, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about May 25, 1952, by Albemarle Peanut Co., Inc., from Edenton, N. C.

PRODUCT: 75 110-pound bags of shelled peanuts and 380 96-pound bags of unshelled peanuts at Wilmington, Calif.

LABEL, IN PART: "Albemarle Brand Medium Virginia Shelled Peanuts" or "Albemarle Brand Selected Hand Picked Jumbo Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect-infested peanuts, and of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: August 29, 1952. Albemarle Peanut Co., Inc., claimant, having consented to the entry of a decree, judgment was entered and the court ordered that the products be released under bond for fumigation and reconditioning, under the supervision of the Federal Security Agency.

As a result of the reconditioning operations, approximately 10,500 pounds of the products were found unfit and were denatured.

19488. Adulteration of shelled peanuts. U. S. v. 425 Bags \* \* \*. (F. D. C. No. 33638. Sample No. 39858-L.)

LIBEL FILED: August 13, 1952, Southern District of California.

ALLEGED SHIPMENT: The product was shipped by Birdsong Storage, Inc., from Suffolk, Va., and was unloaded at Los Angeles, Calif., on July 29, 1952.

PRODUCT: 425 100-pound bags of shelled peanuts at Downey, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts, and of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: August 26, 1952. The All American Nut Co., Downey, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency.

The reconditioning operation resulted in the segregation of 1,769 pounds of the product as unfit and in the denaturing of that amount for use as animal feed.

19489. Adulteration of pecan halves. U. S. v. 20 Cases \* \* \*. (F. D. C. No. 33647. Sample No. 27492-L.)

LIBEL FILED: August 15, 1952, District of Nevada.

ALLEGED SHIPMENT: On or about July 18, 1952, by J. Barsotti & Co., from Chicago, Ill.

PRODUCT: 20 30-pound cases of pecan halves at Reno, Nev.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed nuts.



**DISPOSITION:** September 13, 1952. Default decree of condemnation and destruction.

**19490. Adulteration of unshelled walnuts. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 33687. Sample No. 53522-L.)**

**LIBEL FILED:** September 12, 1952, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 27, 1951, from Los Angeles, Calif.

**PRODUCT:** 7 cases, each containing 50 1-pound packages, of unshelled walnuts at Paducah, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**19491. Adulteration of peanut butter. U. S. v. 223 Cases, etc. (F. D. C. No. 34058. Sample Nos. 40937-L, 40938-L.)**

**LIBEL FILED:** November 5, 1952, District of Utah.

**ALLEGED SHIPMENT:** On or about October 2, 1952, by the Table Products Co., from Seattle, Wash.

**PRODUCT:** 286 cases, each containing 12 12-ounce jars, of peanut butter at Salt Lake City, Utah.

**LABEL, IN PART:** "Beverly Peanut Butter Chunky [or "Creamy"] Style."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 29, 1952. Default decree of condemnation and destruction.

**19492. Adulteration of desiccated coconut. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 33308. Sample No. 26625-L.)**

**LIBEL FILED:** June 25, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** At a time prior to June 25, 1952, from the Philippine Islands.

**PRODUCT:** 3 100-pound bags of desiccated coconut at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested coconut, and of a decomposed substance by reason of the presence of moldy coconut. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 21, 1952. Default decree of condemnation and destruction.

## OILS AND FATS

19493. Adulteration and misbranding of table and cooking oil. U. S. v. 16 Cans \* \* \*. (F. D. C. No. 33435. Sample No. 53072-L.)

**LIBEL FILED:** June 27, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about February 26, 1952, by the Vincent Formusa Co., from Chicago, Ill.

**PRODUCT:** 16 1-gallon cans of table and cooking oil at St. Louis, Mo.

**LABEL, IN PART:** (Can) "Marconi Brand Contains 75% Cottonseed Oil 20% Olive Oil 5% Peanut Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the article; and, Section 402 (b) (2), a vegetable oil containing little or no olive oil had been substituted for a blend of 75 percent cottonseed oil, 20 percent olive oil, and 5 percent peanut oil.

Misbranding, Section 403 (a), the label statement "Contains \* \* \* 20% Olive Oil" was false and misleading as applied to the article, which contained little, if any, olive oil.

**DISPOSITION:** July 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use by the institution and not for sale.

19494. Adulteration and misbranding of cooking oil. U. S. v. 16 Cans \* \* \*. (F. D. C. No. 33423. Sample No. 33235-L.)

**LIBEL FILED:** June 27, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about April 8, 1952, by Roma Macaroni Mfg. Co., Inc., Chicago, Ill.

**PRODUCT:** 16 1-gallon cans of cooking oil at Detroit, Mich.

**LABEL, IN PART:** (Can) "Presto Brand Cooking Oil A Delicious Blend of 75% Corn Oil and 25% Pure Olive Oil Packed By Illinois Oil Packing And Distributing Company, Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the article; and, Section 402 (b) (2), a mixture of corn oil and peanut oil with less than 25 percent of olive oil had been substituted for a blend of 75 percent corn oil and 25 percent olive oil.

Misbranding, Section 403 (a), the label statement "A \* \* \* Blend of 75% Corn Oil and 25% \* \* \* Olive Oil" was false and misleading as applied to the article, which was a mixture of corn oil and peanut oil with less than 25 percent of olive oil.

**DISPOSITION:** August 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for its use and not for sale.

19495. Misbranding of olive oil. U. S. v. 80 Cans \* \* \*. (F. D. C. No. 32830. Sample Nos. 10477-L, 10491-L.)

**LIBEL FILED:** February 29, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about January 23, 1951, by Moscahlades Bros., Inc., New York, N. Y.

**PRODUCT:** 80 cans of olive oil at Detroit, Mich.



**LABEL, IN PART:** "One Gallon Net Extra Fine Olive Oil Apollo Brand."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "One Gallon Net."

**DISPOSITION:** August 14, 1952. Moscahlades Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be repackaged, under the supervision of the Federal Security Agency.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19496. Adulteration of cumin seed. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 33669. Sample No. 41996-L.)**

**LIBEL FILED:** September 4, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 17, 1951, from the Republic of Panama.

**PRODUCT:** 14 110-pound bags of cumin seed at San Francisco, Calif., in the possession of S. H. Tyler & Sons.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 29, 1952. Default decree of condemnation and destruction.

**19497. Adulteration of whole mace. U. S. v. Approximately 450 Pounds \* \* \*. (F. D. C. No. 33863. Sample No. 6724-L.)**

**LIBEL FILED:** September 11, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 7, 1952, by Wessels, Kulenkampff & Co., from Jersey City, N. J.

**PRODUCT:** Approximately 450 pounds of whole mace in 7 crates at Charlestown, Mass.

**LABEL, IN PART:** (Crate) "Entrepot Produce of Mace British West Indies."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 17, 1952. Default decree of condemnation and destruction.

**19498. Adulteration of paprika. U. S. v. 70 Bags \* \* \*. (F. D. C. No. 34069. Sample No. 42004-L.)**

**LIBEL FILED:** September 30, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 3, 1952, from New York, N. Y.

**PRODUCT:** 70 110-pound bags of paprika at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 15, 1952. S. L. Jones & Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The product was reconditioned, with the result that 267 pounds of the product were found unfit and were destroyed.

19499. Adulteration of rosemary leaves. U. S. v. 15 Bags \* \* \*. (F. D. C. No. 33663. Sample No. 41995-L.)

LIBEL FILED: September 4, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about September 14, 1951, from New York, N. Y.

PRODUCT: 15 75-pound bags of rosemary leaves at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 8, 1952. Default decree of condemnation and destruction.

19500. Adulteration of salad dressing. U. S. v. 22 Cases \* \* \*. (F. D. C. No. 33666. Sample No. 2054-L.)

LIBEL FILED: September 2, 1952, Middle District of Alabama.

ALLEGED SHIPMENT: On or about June 4 and 23, 1952, from Jacksonville, Fla.

PRODUCT: 22 cases, each containing 12 1-pint jars, of salad dressing at Dothan, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 30, 1952. Default decree of condemnation and destruction.

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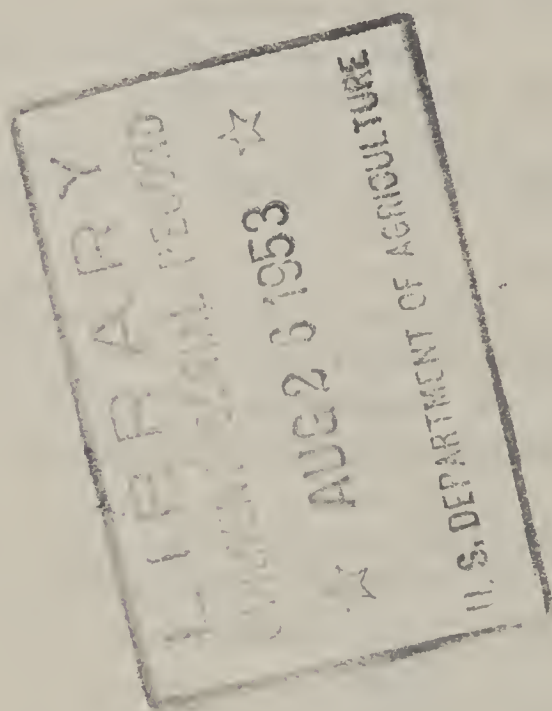


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# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19501-19550

#### FOODS

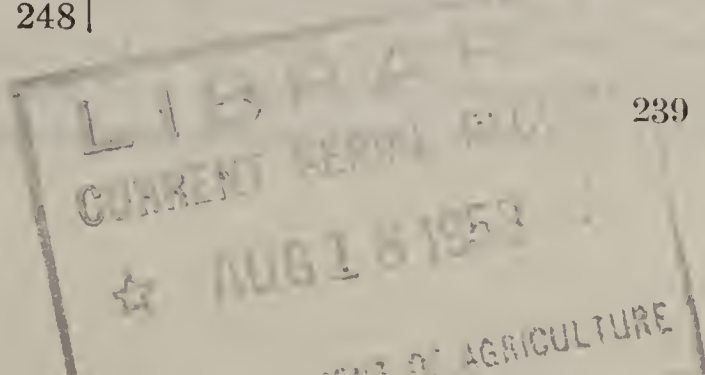
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 24, 1953.*

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**CEREALS AND CEREAL PRODUCTS****FLOUR**

**19501. Adulteration of flour. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 34091. Sample No. 59036-L.)**

**LIBEL FILED:** October 29, 1952, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about March 25 and April 30, 1952, from Hutchinson, Kans.

**PRODUCT:** 100 50-pound bags of flour at Greenwood, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 3, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**19502. Adulteration of flour. U. S. v. 170 Bags \* \* \*. (F. D. C. No. 33921. Sample No. 33029-L.)**

**LIBEL FILED:** October 13, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On various dates, from Red Wing, New Ulm, and Minneapolis, Minn.

**PRODUCT:** 170 100-pound bags of flour at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of fire- and water-damaged flour. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 1, 1952. The Northwestern Flour & Feed Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion by denaturing into an inedible product for use in molds by foundries, under the supervision of the Federal Security Agency.

**19503. Misbranding and alleged adulteration of enriched flour. U. S. v. 119 Cases, etc. (F. D. C. No. 33609. Sample Nos. 30895-L to 30900-L, incl. 53226-L.)**

**LIBEL FILED:** July 28, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about May 26, June 10, and July 7, 1952, by the Wamego Milling Co., from Wamego, Kans.

**PRODUCT:** 119 cases, each containing 5 10-pound bags, 175 cases, each containing 10 5-pound bags, 875 bags, each containing 25 pounds, and 224 bags, each containing 50 pounds, of enriched flour at Moberly, Mo.

**LABEL, IN PART:** (Bags) "Enriched \* \* \* Fancy Family Flour Bleached."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents of the article, namely, thiamine (vitamin B<sub>1</sub>), riboflavin, niacin, and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as enriched flour, a food for which a definition and standard of identity has been prescribed by regulations promulgated under the law, and



the article failed to conform to such definition and standard since the regulations, as amended, require that enriched flour shall contain in each pound not less than 2 milligrams of thiamine (vitamin B<sub>1</sub>), not less than 1.2 milligrams of riboflavin, not less than 16 milligrams of niacin, and not less than 13 milligrams of iron, whereas the article contained less than those amounts of the stated substances.

**DISPOSITION:** August 29, 1952. The Wamego Milling Co. having appeared as claimant, judgment was entered finding the product misbranded and ordering its condemnation. It was further ordered by the court that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

### MISCELLANEOUS CEREALS

**19504. Adulteration of shelled yellow corn. U. S. v. 100,000 Pounds \* \* \*.**  
(F. D. C. No. 34283. Sample No. 14839-L.)

**LIBEL FILED:** December 8, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about December 1, 1952, by the M. F. A. Central Cooperative, from Browning, Mo.

**PRODUCT:** 100,000 pounds of shelled yellow corn at Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dead rats and rat pellets.

**DISPOSITION:** December 8, 1952. The M. F. A. Central Cooperative, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was denatured for use as animal feed.

**19505. Adulteration of wheat. U. S. v. 123,000 Pounds \* \* \*.** (F. D. C. No. 34231. Sample No. 16694-L.)

**LIBEL FILED:** November 19, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about October 29, 1952, by the Farmers Elevator Co., from Wright City, Mo.

**PRODUCT:** 123,000 pounds of wheat at Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** November 26, 1952. Wolcott & Lincoln, Inc., Kansas City, Mo., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was denatured for use as animal feed.

**19506. Adulteration of wheat. U. S. v. 122,880 Pounds \* \* \*.** (F. D. C. No. 34053. Sample No. 16512-L.)

**LIBEL FILED:** On or about October 28, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about October 22, 1952, by Hart-Bartlett-Sturevant Grain Co., from Levant, Kans.

**PRODUCT:** 122,880 pounds of wheat at North Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** November 3, 1952. The Hart-Bartlett-Sturtevant Grain Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was converted into animal feed.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 19507 to 19511, and that was below the legal standard for milk fat content, No. 19512.

**19507. Adulteration of butter. U. S. v. 52 Boxes (3,328 pounds) \* \* \*. (F. D. C. No. 34190. Sample No. 65559-L.)**

**LIBEL FILED:** September 30, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 10, 1952, by the Big Stone Creamery Co., from Big Stone City, S. Dak.

**PRODUCT:** 52 64-pound boxes of butter at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, setae and fly wings, manure fragments, mites, and extraneous material consisting of plant fragments, fibers, wooden splinters, and dirt.

**DISPOSITION:** February 4, 1953. The Big Stone Creamery Co., claimant, having filed an answer denying that the product was adulterated as alleged in the libel and having withdrawn samples of the seized product pursuant to an order of the court, but having failed to pursue the matter further, judgment was entered and the court ordered that the product be destroyed, unless disposed of by the marshal for rendering purposes.

**19508. Adulteration of butter. U. S. v. 20 Cartons, etc. (2,904 pounds, total). (F. D. C. No. 34020. Sample No. 65178-L.)**

**LIBEL FILED:** On or about October 16, 1952, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about September 24, 1952, by the Adrian Cooperative Creamery, from Adrian, Minn.

**PRODUCT:** 44 66-pound cartons of butter at Webster City, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, manure, and rodent hair fragments, and by reason of the use of filthy cream in its preparation; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 14, 1952. Default decree of condemnation. The court ordered that the product be sold on the condition that it be denatured or otherwise reprocessed into animal feed or soap grease, or, in the event the product could not be sold, that it be delivered to a charitable institution under the same conditions as provided for in the sale of the product.



**19509. Adulteration of butter. U. S. v. 13 Cubes (858 pounds) \* \* \*. (F. D. C. No. 34180. Sample No. 43978-L.)**

**LIBEL FILED:** On or about October 22, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about October 7, 1952, by the Harding Cream Co., from Salina, Kans.

**PRODUCT:** 13 66-pound cubes of butter at Kansas City, Mo. Examination showed that the product was made from filthy and decomposed cream.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** January 30, 1953. Default decree of condemnation. The court ordered that the product be delivered to a municipal institution, for use as animal feed.

**19510. Adulteration of butter. U. S. v. 19 Cartons, etc. (629 pounds, total). (F. D. C. No. 34179. Sample No. 55231-L.)**

**LIBEL FILED:** September 8, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 21, 1952, by American Dairies, Inc., from Kansas City, Mo.

**PRODUCT:** 19 cartons, each containing 32 1-pound prints, of butter, plus 21 additional 1-pound prints of butter at Olean, N. Y.

**LABEL, IN PART:** (Parchment wrapper) "Penn Valley Brand Creamery Butter \* \* \* Distributed by American Dairies, Inc., Kansas City, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, and it was made from filthy cream.

**DISPOSITION:** October 7, 1952. Default decree of condemnation and destruction.

**19511. Adulteration of butter. U. S. v. 47 Cases \* \* \*. (F. D. C. No. 34090. Sample No. 2512-L.)**

**LIBEL FILED:** On or about October 30, 1952, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 6 and 13, 1952, by the Blue Valley Division, Beatrice Foods Co., from Louisville, Ky.

**PRODUCT:** 47 cases, each containing 24 ½-pound prints, of butter, at Atlanta, Ga.

**LABEL, IN PART:** "Meadow Gold Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy butter.

**DISPOSITION:** December 5, 1952. Default decree of condemnation and destruction.

**19512. Adulteration of butter. U. S. v. 23 Boxes (1,449 pounds) \* \* \*. (F. D. C. No. 34178. Sample No. 56233-L.)**

**LIBEL FILED:** November 6, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 27, 1952, by the Merchants Creamery Co., from Wichita, Kans.

**PRODUCT:** 23 63-pound boxes of butter at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 17, 1952. The Merchants Creamery Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

### CHEESE

**19513. Misbranding of cheddar cheese. U. S. v. 20 Flats (758 pounds), etc.** (F. D. C. No. 33650. Sample Nos. 24941-L, 24942-L.)

**LIBEL FILED:** August 20, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 16, 1952, by the Fisher Cheese Corp., from Wapakoneta, Ohio.

**PRODUCT:** 1,329½ pounds of cheddar cheese at Harrisburg, Pa.

**LABEL, IN PART:** "Koneta Kured \* \* \* Cheddar Cheese."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cheddar cheese since it contained less than 50 percent of milk fat.

**DISPOSITION:** October 13, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be manufactured into cheese food, under the supervision of the Federal Security Agency.

### EGGS

**19514. Adulteration of frozen eggs. U. S. v. Samuel Jacob Pollman (Sam Pollman Egg Co.). Plea of guilty. Fine, \$500.** (F. D. C. No. 34306. Sample Nos. 49171-L, 49172-L.)

**INFORMATION FILED:** January 2, 1953, Western District of Missouri, against Samuel Jacob Pollman, trading as the Sam Pollman Egg Co., Kansas City, Mo.

**ALLEGED SHIPMENT:** On or about August 13, 1952, from the State of Missouri into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of chicken excrement; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 9, 1953. A plea of guilty having been entered, the court imposed a fine of \$500.

**19515. Adulteration of frozen eggs. U. S. v. 1,000 Cans \* \* \*. (F. D. C. No. 33664. Sample No. 36390-L.)**

**LIBEL FILED:** August 27, 1952, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about July 21, 1952, by the Continent Frozen Foods Corp., from National Stock Yards, Ill.

**PRODUCT:** 1,000 30-pound cans of frozen eggs at Indianapolis, Ind.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** February 11, 1953. The Continent Frozen Foods Corp. having filed an answer denying that the product was adulterated when introduced into commerce, but admitting that it was and had been adulterated while in



commerce, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. As a result of the segregation operations, 396 cans of the product were found unfit.

## FEEDS AND GRAINS

**19516. Misbranding of pulverized oyster shell. U. S. v. Mayo Shell Corp. Plea of guilty. Fine, \$2,000. (F. D. C. No. 32807. Sample Nos. 33319-L, 35083-L.)**

**INFORMATION FILED:** September 17, 1952, Southern District of Texas, against the Mayo Shell Corp., Houston, Tex.; amended October 14, 1952.

**ALLEGED SHIPMENT:** On or about January 1 and 18, 1952, from the State of Texas into the State of Wisconsin.

**LABEL, IN PART:** "50 Lbs. Net Mayo's Cal-Bon-Ate P. O. S. CaCo Guaranteed 97% Calcium Carbonate."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the statement "Guaranteed 97% Calcium Carbonate" was false and misleading since the product contained less than 97 percent of calcium carbonate.

**DISPOSITION:** October 15, 1952. A plea of guilty having been entered, the court fined the corporation \$2,000.

**19517. Misbranding of cottonseed meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$250. (F. D. C. No. 32818. Sample No. 39891-K.)**

**INFORMATION FILED:** September 18, 1952, Western District of Texas, against the Southland Cotton Oil Co., a corporation, Temple, Tex.

**ALLEGED SHIPMENT:** On or about October 24, 1951, from the State of Texas into the State of Oklahoma.

**LABEL, IN PART:** "Sunny Southland Cottonseed Meal \* \* \* Guaranteed Analysis Crude Protein not less than 41% Crude Fat not less than 5% Crude Fiber not more than 12%."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Guaranteed Analysis Crude Protein not less than 41% Crude Fat not less than 5% Crude Fiber not more than 12%" was false and misleading since the product contained less than 41 percent protein, less than 5 percent crude fat, and more than 12 percent crude fiber.

**DISPOSITION:** November 10, 1952. A plea of guilty having been entered, the defendant was fined \$250.

**19518. Misbranding of soybean feed. U. S. v. 351 Bags \* \* \*. (F. D. C. No. 33668. Sample No. 48617-L.)**

**LIBEL FILED:** August 28, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about July 11, 1952, by the Galesburg Soy Products Co., from Galesburg, Ill.

**PRODUCT:** 351 bags of soybean feed at Winterset, Iowa.

**LABEL, IN PART:** "100 Lbs. Net Hi-Protena Brand 42 Percent Protein Soybase Meal."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since

the label statement "100 Lbs. Net" was inaccurate. (The article was short of the declared weight.)

**DISPOSITION:** October 16, 1952. The Farmers Coop. Association, Winterset, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of repacking the article so as to bring each bag up to the full weight of 100 pounds, under the supervision of the Federal Security Agency.

## FISH AND SHELLFISH

**19519. Adulteration and misbranding of canned sardines. U. S. v. 149 Cases \* \* \*. (F. D. C. No. 34257. Sample No. 42231-L.)**

**LIBEL FILED:** December 2, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 19, 1952, by the Hovden Food Products, Inc., from Monterey, Calif., for shipment to the Philippine Islands.

**PRODUCT:** 149 cases, each containing 48 15-ounce cans, of sardines at San Francisco, Calif.

**LABEL, IN PART:** (Can) "El Rayo Brand California Sardines Tomato Sauce."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), anchovies had been substituted in whole or in part for sardines, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, sardines.

**DISPOSITION:** February 10, 1953. Marsman Commercial Co., Inc., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

**19520. Adulteration of frozen cod fillets. U. S. v. 249 Cartons \* \* \*. (F. D. C. 34143. Sample No. 36709-L.)**

**LIBEL FILED:** November 19, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 8 and 9, 1952, by H. Hopkins, from Port Marcieu, Nova Scotia, and by the Standard Fish Co., from Montreal, Canada.

**PRODUCT:** 249 10-pound cartons of frozen cod fillets at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** December 11, 1952. Default decree of condemnation and destruction.

**19521. Adulteration of frozen halibut. U. S. v. 638 Pounds \* \* \*. (F. D. C. No. 34167. Sample No. 23269-L.)**

**LIBEL FILED:** On or about November 25, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 1, 1952, by the Whiz Fish Products Co., from Seattle, Wash.

**PRODUCT:** 638 pounds of frozen halibut in 5 boxes at New York, N. Y.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** December 19, 1952. Default decree of condemnation and destruction.

**19522. Adulteration of frozen sole fillets. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 33645. Sample No. 14280-L.)**

**LIBEL FILED:** August 29, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about March 6, 1952, by the Ocean Beauty Sales Co., from Portland, Oreg.

**PRODUCT:** 15 cases, each containing 12 1-pound packages, of frozen sole fillets at Denver, Colo.

**LABEL, IN PART:** (Package) "Ocean Beauty Brand Sole Fillets Fresh Frozen, Cleaned, Ready to Cook."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** October 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

**19523. Adulteration of frozen cooked lobsters. U. S. v. 48 Cartons, etc. (F. D. C. No. 34372. Sample No. 2720-L.)**

**LIBEL FILED:** November 25, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about February 5, 1951, from Bristol, R. I.

**PRODUCT:** 48 cartons, each containing 12 packages, and 6 cartons, each containing 6 boxes, of frozen cooked lobsters at Miami, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobsters. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1952. Default decree of condemnation and destruction.

**19524. Adulteration of oysters. U. S. v. 184 Cans \* \* \*. (F. D. C. No. 34078. Sample No. 57241-L.)**

**LIBEL FILED:** On or about October 1, 1952, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about September 23, 1952, by the McNaney Oyster Co., from Baltimore, Md.

**PRODUCT:** 184 1-pint cans of oysters at Vincennes, Ind.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** October 16, 1952. Default decree of forfeiture and destruction.

**19525. Adulteration of frozen shrimp. U. S. v. 11 Cartons \* \* \*. (F. D. C. No. 34095. Sample No. 38785-L.)**

**LIBEL FILED:** October 29, 1952, District of Columbia.

**ALLEGED SHIPMENT:** On or about June 14, 1952, by the Brunswick Quick Freezer, from Brunswick, Ga.

**PRODUCT:** 11 cartons, each containing 24 12-ounce packages, of frozen shrimp at Washington, D. C.

**LABEL, IN PART:** (Package) "Georgia Golden Shore Shrimp Fish Bait \* \* \* Edible Cooking Instructions On Back."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** November 26, 1952. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**19526. Adulteration of evaporated apples. U. S. v. 16 Boxes \* \* \*. (F. D. C. No. 34089. Sample No. 2085-L.)**

**LIBEL FILED:** On or about October 30, 1952, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about December 29, 1951, from Yakima, Wash.

**PRODUCT:** 16 50-pound boxes of evaporated apples at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 5, 1952. Default decree of condemnation. The court ordered that the product be destroyed or delivered to a Federal institution, for use as animal feed.

### VEGETABLES AND VEGETABLE PRODUCTS

**19527. Misbranding of canned black-eyed peas and canned lima beans. U. S. v. 160 Cases, etc. (F. D. C. No. 34098. Sample Nos. 61115-L, 61116-L.)**

**LIBEL FILED:** November 5, 1952, Eastern District of Texas.

**ALLEGED SHIPMENT:** On or about September 17 and 24, 1952, by the Griffin Grocery Co., from Muskogee, Okla.

**PRODUCT:** 160 cases of black-eyed peas and 112 cases of lima beans at Denison, Tex. Each case contained 48 15½-ounce cans.

**LABEL, IN PART:** (Can) "Griffin's Delicious Blackeye Peas With Bacon In Special Sauce" and "Griffin's Lima Beans With Smoked Bacon."

**NATURE OF CHARGE:** Black-eyed peas. Misbranding, Section 403 (a), the label statement "Blackeye Peas With Bacon" and the vignette on the label depicting a dish of black-eyed peas with a substantial proportion of lean bacon were false and misleading as applied to the article, which consisted of dried soaked black-eyed peas containing particles of white fat meat about the size of a pea.



Lima beans. Misbranding, Section 403 (a), the label statement "Lima Beans With Smoked Bacon" and the vignette on the label depicting a dish of green lima beans with a substantial proportion of lean bacon were false and misleading as applied to the article, which consisted of dried soaked lima beans containing an extremely small proportion of white fat meat.

**DISPOSITION:** December 15, 1952. The Griffin Grocery Co. having intervened in the case and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**19528. Adulteration of frozen chopped spinach. U. S. v. 364 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 34382, 34385. Sample Nos. 51564-L, 59122-L.)**

**LIBELS FILED:** On or about December 9 and 28, 1952, Southern District of New York and Southern District of Florida.

**ALLEGED SHIPMENT:** On or about September 23 and 26, 1952, by the John Inglis Frozen Food Co., from Modesto, Calif.

**PRODUCT:** 443 cases, each containing 24 14-ounce packages, of frozen chopped spinach at White Plains, N. Y., and St. Petersburg, Fla.

**LABEL, IN PART:** (Package) "Buy for Less 19¢ Brand Frozen Fresh Chopped Spinach" and "JI Frozen Fresh Chopped Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for frozen spinach; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk and reduce its quality and strength.

**DISPOSITION:** January 5 and 14, 1953. Default decrees of condemnation. The courts ordered that the New York lot be delivered to charitable institutions and that the Florida lot be delivered to a Federal institution, for consumption by the inmates.

**19529. Adulteration of sweet relish. U. S. v. 16 Cases \* \* \*. (F. D. C. No. 34199. Sample No. 66669-L.)**

**LIBEL FILED:** On or about November 5, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 17, 1952, by Colony Foods, from Vineland, N. J.

**PRODUCT:** 16 cases, each containing 4 1-gallon jars, of sweet relish at Wilkes-Barre, Pa.

**LABEL, IN PART:** (Jar) "Colony Brand Sweet Relish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 5, 1952. Default decree of condemnation and destruction.

**19530. Misbranding of sauerkraut. U. S. v. 22 Crates \* \* \*. (F. D. C. No. 34088. Sample No. 37073-L.)**

**LIBEL FILED:** October 29, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 16, 1952, by Joe & Katie, Inc., from East Northport, N. Y.

**PRODUCT:** 22 crates, each containing 24 bags, of sauerkraut at Jersey City, N. J. Examination showed that the product contained sulfur dioxide.

**LABEL, IN PART:** (Bag) "Katie's \* \* \* Cured In The Wood New Pack Sauerkraut Vacuum Packed Net Wt. One Pound Contains: Sauerkraut, Sauerkraut juice, and  $\frac{1}{10}$  of 1% Benzoate of Soda."

**NATURE OF CHARGE:** Misbranding, Section 403 (k), the article contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

**DISPOSITION:** December 12, 1952. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

**19531. Adulteration of canned tomatoes. U. S. v. 96 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 34138, 34139. Sample Nos. 66683-L, 66836-L.)**

**LIBELS FILED:** November 21 and 24, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 27 and September 9, 1952, by Thomas Roberts & Co., Inc., from Woodside, Del.

**PRODUCT:** 122 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Co-Rel Brand Tomatoes" or "Pride Of The Farm Brand \* \* \* Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 16, 1953. Default decrees of condemnation and destruction.

**19532. Adulteration of canned tomatoes. U. S. v. 89 Cases \* \* \*. (F. D. C. No. 34215. Sample No. 14584-L.)**

**LIBEL FILED:** November 14, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 23, 1952, by the Eddington Canning Co., from Springville, Utah.

**PRODUCT:** 89 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Denver, Colo.

**LABEL, IN PART:** (Can) "Spring Kist Eddington's Solid Pack Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 21, 1953. The Eddington Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 6 cases, plus 4 cans, of the product were found unfit and were destroyed.



**19533. Misbranding of canned tomatoes. U. S. v. 448 Cases \* \* \*. (F. D. C. No. 34194. Sample No. 2081-L.)**

**LIBEL FILED:** November 3, 1952, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about September 1, 1952, by the Farmers Packing Co., from Senora, Va.

**PRODUCT:** 448 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Milledgeville, Ga.

**LABEL, IN PART:** (Can) "Red Jacket Brand \* \* \* Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** December 5, 1952. The Farmers Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

**19534. Adulteration of tomato puree. U. S. v. 83 Cases \* \* \*. (F. D. C. No. 34102. Sample No. 66682-L.)**

**LIBEL FILED:** November 3, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 5, 1952, by the Ariston Canning Co., from Cologne, N. J.

**PRODUCT:** 83 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Sea Shore Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** February 16, 1953. Default decree of condemnation and destruction.

## NUTS

**19535. Adulteration of shelled almonds. U. S. v. 45 Cases \* \* \*. (F. D. C. No. 34238. Sample No. 36014-L.)**

**LIBEL FILED:** November 20, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 30, 1952, by the California Almond Growers Exchange, from Sacramento, Calif.

**PRODUCT:** 45 cases, each containing 24 1-pound bags, of shelled almonds at Cincinnati, Ohio.

**LABEL, IN PART:** "Blue Diamond California Almonds."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and it was otherwise unfit for food by reason of the presence of gummy nuts.

**DISPOSITION:** December 31, 1952. Frank C. Glueck & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and

Drug Administration. 2,085 pounds of nuts were salvaged, and 22¾ pounds were destroyed.

**19536. Adulteration of unshelled brazil nuts. U. S. v. 137 Cases \* \* \*. (F. D. C. No. 34242. Sample No. 56362-L.)**

**LIBEL FILED:** November 24, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 21, 1952, from New York, N. Y.

**PRODUCT:** 137 cases, each containing 24 1-pound bags, of unshelled brazil nuts at Columbus, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and it was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1952. Wm. A. Higgins & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 594 pounds of the product were found unfit and were destroyed.

**19537. Adulteration of unshelled brazil nuts. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 34123. Sample No. 26435-L.)**

**LIBEL FILED:** November 10, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 15, 1952, by the Biddle Purchasing Co., from New York, N. Y.

**PRODUCT:** 10 100-pound bags of unshelled brazil nuts at Philadelphia, Pa.

**LABEL, IN PART:** "Cliff House Brand Brazil Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed brazil nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

**DISPOSITION:** February 16, 1953. Default decree of condemnation and destruction.

**19538. Adulteration of unshelled peanuts. U. S. v. 10 Sacks \* \* \*. (F. D. C. No. 33982. Sample No. 28249-L.)**

**LIBEL FILED:** October 7, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 1, 1952, from Suffolk, Va.

**PRODUCT:** 10 100-pound sacks of unshelled peanuts at Sacramento, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 16, 1953. Default decree of condemnation and destruction.

**19539. Adulteration of shelled pecans. U. S. v. 13 Boxes \* \* \*. (F. D. C. No. 34126. Sample No. 69168-L.)**

**LIBEL FILED:** November 11, 1952, District of New Mexico.



**ALLEGED SHIPMENT:** On or about June 22, 1952, from Muskogee, Okla.

**PRODUCT:** 13 60-pound boxes of shelled pecans at Portales, N. Mex., in the possession of Portales Valley Mills, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects, and of a decomposed substance by reason of the presence of moldy nuts; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 15, 1952. Default decree of condemnation and destruction.

**19540. Adulteration of shelled pecans. U. S. v. 7 Cartons \* \* \*. (F. D. C. No. 34294. Sample No. 14302-L.)**

**LIBEL FILED:** December 8, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about October 24, 1952, by Rubenstein & Son Produce, Inc., from Dallas, Tex.

**PRODUCT:** 7 30-pound cartons of shelled pecans at Denver, Colo. Examination showed that the product had an odor and taste resembling naphthalene.

**LABEL, IN PART:** "Lady Rita Fancy Select Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of a foreign substance which rendered it disagreeable to the taste.

**DISPOSITION:** January 23, 1953. Default decree of condemnation and destruction.

## POULTRY

**19541. Adulteration of dressed poultry. U. S. v. Harold J. Bunting and Sol Schnoll. Pleas of guilty. Fine of \$250, plus costs, against each defendant. (F. D. C. No. 33820. Sample No. 49493-L.)**

**INFORMATION FILED:** November 17, 1952, District of Maryland, against Harold J. Bunting, plant superintendent, and Sol Schnoll, secretary-treasurer of Snow Hill Poultry Co., Inc., Snow Hill, Md.

**ALLEGED SHIPMENT:** On or about May 1, 1952, from the State of Maryland into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of contamination with fecal matter.

**DISPOSITION:** February 20, 1953. Pleas of guilty having been entered, the court imposed a fine of \$250, plus costs, against each defendant.

**19542. Adulteration of frozen dressed poultry. U. S. v. Mike Hallren (Hallren Poultry & Creamery Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 33708. Sample Nos. 7268-L, 7272-L, 8167-L.)**

**INFORMATION FILED:** August 11, 1952, Western District of Oklahoma, against Mike Hallren, trading as Hallren Poultry & Creamery Co., Fairview, Okla.

**ALLEGED SHIPMENT:** On or about July 21, August 9, and October 8, 1951, from the State of Oklahoma into the State of New York.

**LABEL, IN PART:** "Fowl" or "Fryers."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight and make it appear better and of greater value than it was.

Further adulteration, Section 402 (a) (3), 1 shipment consisted in part of a decomposed substance by reason of the presence of decomposed birds.

**DISPOSITION:** September 10, 1952. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$50 on each of the 3 counts of the information.

**19543. Adulteration of dressed poultry. U. S. v. 10 Crates, etc. (F. D. C. No. 34378. Sample No. 57363-L.)**

**LIBEL FILED:** November 25, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 19, 1952, by Kasten-Hay, from New York, N. Y.

**PRODUCT:** Dressed poultry. 10 crates and 15 loose birds of the product, a total of 762 pounds, at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of an animal which had died otherwise than by slaughter.

**DISPOSITION:** December 2, 1952. The United States attorney having filed a petition for the immediate destruction of the product and the court having found that the product was a menace to public health and a nuisance and could not be preserved during the time customarily allowed for interested persons to intervene, judgment of condemnation was entered. The court ordered that the product be destroyed, with the exception of 10 birds which were to be released to the Food and Drug Administration for laboratory purposes.

**19544. Adulteration of dressed poultry. U. S. v. 393 Pounds \* \* \*. (F. D. C. No. 34100. Sample No. 49533-L.)**

**LIBEL FILED:** November 3, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 15, 1952, by Vermont Poultry, Inc., from Bellows Falls, Vt.

**PRODUCT:** 393 pounds of dressed poultry in 6 crates at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

**DISPOSITION:** December 11, 1952. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19545. Adulteration of dressed poultry. U. S. v. 5 Crates \* \* \*. (F. D. C. No. 34129. Sample No. 57361-L.)**

**LIBEL FILED:** November 13, 1952, District of Columbia.

**ALLEGED SHIPMENT:** On or about November 3 and 4, 1952, by Wm. Schludenberg—T. J. Kurdle Co., from Cordova, Md.

**PRODUCT:** 5 crates containing a total of 140 head of dressed poultry at Washington, D. C.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter, and of a decomposed substance by reason of the presence of decomposed birds.

**DISPOSITION:** December 12, 1952. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

**19546. Adulteration of dressed poultry. U. S. v. 2 Crates \* \* \*. (F. D. C. No. 34386. Sample No. 57362-L.)**

**LIBEL FILED:** November 28, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 17, 1952, by Harry Friedman, from Wilmington, Del.

**PRODUCT:** 2 crates containing a total of 191 pounds of dressed poultry at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter.

**DISPOSITION:** December 2, 1952. The United States attorney having filed a petition for immediate destruction of the product and the court having found that the product was a menace to public health and a nuisance and could not be preserved during the time customarily allowed for interested persons to intervene, judgment of condemnation was entered. The court ordered that the product be destroyed, with the exception of 10 birds which were to be released to the Food and Drug Administration for laboratory purposes.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19547. Adulteration of caraway seed. U. S. v. 109 Bags \* \* \*. (F. D. C. No. 34121. Sample No. 54857-L.)**

**LIBEL FILED:** November 13, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 28, September 27, and October 9, 1951, from Holland.

**PRODUCT:** 109 bags, each containing 109 pounds, of caraway seed at Chicago, Ill., in the possession of the Castle Baking Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 3, 1953. Default decree of condemnation and destruction.

**19548. Adulteration of sesame seed. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 34368. Sample Nos. 37084-L, 55257-L.)**

**LIBEL FILED:** November 24, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 8, 1952, from Nicaragua.

**PRODUCT:** 3 160-pound bags of sesame seed at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1952. Default decree of condemnation and destruction.

19549. Adulteration of chili peppers. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 33547. Sample No. 38381-L.)

LABEL FILED: August 25, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 20, 1951, from England.

PRODUCT: 40 75-pound bags of chili peppers at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 26, 1953. Default decree of condemnation and destruction.

19550. Adulteration and misbranding of salad dressing and french dressing. U. S. v. 20 Cases, etc. (F. D. C. No. 34290. Sample Nos. 36297-L, 36298-L.)

LABEL FILED: December 8, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 20 and October 16, 1952, by the H & F Food Products Co., from Buffalo, N. Y.

PRODUCT: 20 cases, each containing 4 1-gallon jars, of salad dressing, and 19 cases, each containing 4 1-gallon jars, of french dressing.

LABEL, IN PART: (Jar) "5th Ave. \* \* \* Salad Dressing [or "French Dressing"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted from the products.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for salad dressing and french dressing since the salad dressing contained less than 30 percent by weight of vegetable oil and the french dressing contained less than 35 percent by weight of vegetable oil, the minima permitted by the respective definitions and standards.

DISPOSITION: February 13, 1953. Default decree of condemnation and destruction.

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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19551-19600

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 28, 1953.*

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**CEREALS AND CEREAL PRODUCTS****CORNMEAL**

**19551. Adulteration of cornmeal and pastry flour. U. S. v. 17 Bags, etc.** (F. D. C. No. 33979. Sample Nos. 8203-L, 8204-L.)

**LIBEL FILED:** September 30, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 24 and July 16, 1952, from Columbus, Ohio.

**PRODUCT:** 17 100-pound bags of cornmeal and 38 100-pound bags of pastry flour at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects and insect webbing. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 21, 1952. Default decree of condemnation. The court ordered that the products be delivered to a county institution, for use as hog feed.

**FLOUR\***

**19552. Adulteration of rye flour, rye meal, and plain flour. U. S. v. 2 Bags, etc.** (F. D. C. No. 34073. Sample Nos. 19925-L to 19928-L, incl.)

**LIBEL FILED:** September 24, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about January 24 and June 25, 1952, from Minneapolis, Minn.

**PRODUCT:** 2 100-pound bags of rye flour, 28 100-pound bags of rye meal, and 23 100-pound bags of plain flour at Davenport, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 22, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable or a public institution, for use as animal feed.

**19553. Adulteration of tapioca flour. U. S. v. 1,186 Bags \* \* \*. (F. D. C. No. 33490. Sample Nos. 36857-L to 36863-L, incl.)**

**LIBEL FILED:** July 28, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 8 and May 3, 1951, from Madagascar.

**PRODUCT:** 1,186 200-pound bags of tapioca flour at Brooklyn, N. Y., in the possession of Beard's Erie Basin, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 11, 1952. Madagascar Agencies, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation

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\*See also No. 19551.



was entered and the court ordered that the product be released under bond to be reprocessed, under the supervision of the Food and Drug Administration.

Salvaging operations resulted in the segregation of 550 200-pound bags of the product as fit for human consumption. The remainder of the product was reconditioned by the segregation of the fit from the unfit portion, resulting in the salvaging of an additional 54,727 pounds of the product and in the denaturing of 46,610 pounds which were unfit for human consumption.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**19554. Adulteration of unpopped popcorn in oil. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 34402. Sample No. 2189-L.)**

**LIBEL FILED:** December 10, 1952, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 13, 1952, by Rose City Foods, Inc., from Thomasville, Ga.

**PRODUCT:** 49 cases, each containing 24 11½-ounce jars, of unpopped popcorn in oil at Raleigh, N. C.

**LABEL, IN PART:** (Jar) "Rose Kist Pour N' Pop Popcorn & Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** January 29, 1953. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as animal feed.

**19555. Adulteration of unpopped popcorn in oil. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 34467. Sample No. 59223-L.)**

**LIBEL FILED:** January 2, 1953, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 11, 18, and 25, 1952, by Dixie Home Stores, Inc., from Greenville, S. C.

**PRODUCT:** 10 cases, each containing 24 11½-ounce jars, of unpopped popcorn in oil at Charlotte, N. C.

**LABEL, IN PART:** (Jar) "Rose Kist Pour N' Pop Popcorn & Oil \* \* \* Rose City Foods, Inc., Thomasville, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** February 25, 1953. Default decree of condemnation and destruction.

**19556. Adulteration of wheat. U. S. v. 122,600 Pounds \* \* \*. (F. D. C. No. 34553. Sample No. 14848-L.)**

**LIBEL FILED:** On or about January 21, 1953, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 9, 1953, by the Farmers Grain Association, from Benedict, Nebr.

**PRODUCT:** 122,600 pounds of wheat at Springfield, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** February 9, 1953. Pillsbury Mills, Inc., Springfield, Ill., claimant, having consented to the entry of a decree, judgment of condemnation

was entered and the court ordered that the product be released under bond for reworking, or reselling for use in livestock feed, under the supervision of the Food and Drug Administration.

**19557. Adulteration of wheat. U. S. v. 121,085 Pounds \* \* \*. (F. D. C. No. 34755. Sample No. 38931-L.)**

**LIBEL FILED:** On or about March 13, 1953, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about February 27, 1953, by Eshelman Grain, Inc., from Lockbourne, Ohio.

**PRODUCT:** 121,085 pounds of wheat at Roanoke, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** March 20, 1953. Eshelman Grain, Inc., claimant, having admitted the forfeitability of the product, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

**19558. Adulteration of wheat. U. S. v. 110,720 Pounds \* \* \*. (F. D. C. No. 34709. Sample No. 20518-L.)**

**LIBEL FILED:** February 17, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 5, 1953, by the McMahon Co., from Sturgis, S. Dak.

**PRODUCT:** 110,720 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** February 19, 1953. The McMahon Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**19559. Adulteration of wheat. U. S. v. 110,000 Pounds \* \* \*. (F. D. C. No. 34555. Sample No. 20411-L.)**

**LIBEL FILED:** January 20, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about January 3, 1953, by Gackle Bros. Grain Co., from Kulm, N. Dak.

**PRODUCT:** 110,000 pounds of wheat at Minneapolis, Minn. Examination showed that the railroad car containing the product was plugged at both ends with about 10,000 pounds of wheat which was musty and heat damaged.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of musty and heat-damaged wheat.

**DISPOSITION:** January 23, 1953. Gackle Bros. Grain Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating and denaturing the unfit portion for use as animal feed, under the supervision of the Federal Security Agency. 40,760 pounds of the product were found unfit and were denatured.



**19560. Adulteration of wheat. U. S. v. 108,000 Pounds \* \* \*. (F. D. C. No. 34563. Sample No. 33190-L.)**

**LIBEL FILED:** January 23, 1953, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about January 12, 1953, by the B. J. B. Grain Co., from Grand Rapids, Ohio.

**PRODUCT:** 108,000 pounds of wheat at Detroit, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** January 30, 1953. The B. J. B. Grain Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**19561. Adulteration of wheat. U. S. v. 104,290 Pounds \* \* \*. (F. D. C. No. 34664. Sample No. 66503-L.)**

**LIBEL FILED:** February 13, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 30, 1953, by the Dunnington Jones Grain Co., from Taylors Station, Ind.

**PRODUCT:** 104,290 pounds of wheat at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets.

**DISPOSITION:** February 19, 1953. H. H. Schumacher, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock or poultry feed, under the supervision of the Federal Security Agency.

**19562. Adulteration of wheat. U. S. v. 100,000 Pounds \* \* \*. (F. D. C. No. 34661. Sample No. 66505-L.)**

**LIBEL FILED:** February 12, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 29, 1953, by the La Porte County Farm Bureau Cooperative Association, from Hanna, Ind.

**PRODUCT:** 100,000 pounds of wheat at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** February 19, 1953. The La Porte County Farm Bureau Cooperative Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**19563. Adulteration of wheat. U. S. v. 100,000 Pounds \* \* \*. (F. D. C. No. 34507. Sample No. 53549-L.)**

**LIBEL FILED:** December 18, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about December 10, 1952, by the Toberman Grain Co., from National Stock Yards, Ill.

**PRODUCT:** 100,000 pounds of wheat at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: January 16, 1953. The Toberman Grain Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

19564. Misbranding of Maypl oats. U. S. v. 450 Cases \* \* \*. (F. D. C. No. 34428. Sample No. 44825-L.)

LIBEL FILED: December 12, 1952, District of Connecticut.

ALLEGED SHIPMENT: On or about November 21, 1952, by the Maltex Co., from Burlington, Vt.

PRODUCT: 450 cases, each containing 18 1-pound, 4-ounce packages, of Maypl oats at East Hartford, Conn.

LABEL, IN PART: (Package) "Maypl Oats \* \* \* The new Cracked Oat Cereal flavored with Vermont Maple Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article representing and suggesting the article to be oats flavored with maple sirup was false and misleading as applied to the article, which was a mixture of oats and flour, together with sugar, a small amount of maple sirup, and artificial maple flavor.

DISPOSITION: January 26, 1953. The Maltex Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

## FISH AND SHELLFISH

19565. Adulteration and misbranding of canned mackerel. U. S. v. 1,996 Cases \* \* \*. (F. D. C. No. 34658. Sample No. 18030-L.)

LIBEL FILED: February 6, 1953, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 5, 1953, by the French Sardine Co., from Terminal Island, Calif.

PRODUCT: 1,996 cases, each containing 48 15-ounce cans, of mackerel at Petersburg, Va.

LABEL, IN PART: (Can) "Eatwell Brand California Mackerel Water and Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), horse mackerel (jack mackerel) had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was horse mackerel (jack mackerel); and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article.

DISPOSITION: February 18, 1953. The French Sardine Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.



19566. Adulteration and misbranding of canned mackerel. U. S. v. 248 Cases \* \* \*. (F. D. C. No. 34395. Sample No. 40307-L.)

LIBEL FILED: December 3, 1952, District of Connecticut.

ALLEGED SHIPMENT: On or about October 30, 1952, by the Franco Italian Packing Co., from Fish Harbor Wharf, Terminal Island, Calif.

PRODUCT: 248 cases, each containing 48 15-ounce cans, of mackerel at East Hartford, Conn.

LABEL, IN PART: (Can) "Sultana Brand Mackerel."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), horse mackerel (jack mackerel) had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was horse mackerel (jack mackerel); and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the food.

DISPOSITION: January 26, 1953. The Franco Italian Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

19567. Adulteration of frozen pollack fillets. U. S. v. 56 Cartons \* \* \*. (F. D. C. No. 34591. Sample No. 50037-L.)

LIBEL FILED: January 8, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about September 1, 2, and 3, 1952, from Gloucester, Mass.

PRODUCT: 56 10-pound cartons of frozen pollack fillets at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 7, 1953. Default decree of condemnation and destruction.

19568. Adulteration and misbranding of canned sardines. U. S. v. 900 Cartons \* \* \*. (F. D. C. No. 34511. Sample No. 18022-L.)

LIBEL FILED: December 19, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about December 10, 1952, by the Carmel Canning Co., from Monterey, Calif., to Wilmington, Calif., for shipment to Manila, P. I.

PRODUCT: 900 cartons, each containing 48 15-ounce cans, of sardines at Wilmington, Calif. Examination showed that the product was anchovies.

LABEL, IN PART: "Velera Brand Highest Quality California Sardines Packed By San Carlos Canning Co. Monterey Cal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), anchovies had been substituted in whole or in part for sardines, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, sardines.

DISPOSITION: February 11, 1953. The Carmel Canning Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

19569. Adulteration and misbranding of canned sardines. U. S. v. 500 Cases \* \* \*. (F. D. C. No. 34255. Sample No. 42554-L.)

LIBEL FILED: December 2, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about November 17, 1952, by the J. D. Packing Co., from San Francisco, Calif., for shipment to the Philippine Islands.

PRODUCT: 500 cases, each containing 100 5-ounce cans, of sardines at San Francisco, Calif.

LABEL, IN PART: (Can) "Ligo Brand Extra Quality In Tomato Sauce California Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), anchovies had been substituted in whole or in part for sardines, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, sardines.

DISPOSITION: February 11, 1953. The Liberty Gold Fruit Co., Inc., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

19570. Adulteration of crabmeat. U. S. v. 25 Cases, etc. (F. D. C. No. 33682. Sample Nos. 64012-L to 64017-L, incl.)

LIBEL FILED: September 30, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about July 4, 13, 20, 21, 23, and 25, 1952, by Olympic Seafoods, from Douglas, Alaska.

PRODUCT: 60 cases, each containing 6 5-pound tins, of crabmeat at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed crabmeat.

DISPOSITION: March 16, 1953. Default decree of condemnation and destruction.

19571. Adulteration of frozen lobster meat. U. S. v. 996 Cans \* \* \*. (F. D. C. No. 34471. Sample No. 50025-L.)

LIBEL FILED: January 2, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about December 9, 1952, from Canada.

PRODUCT: 996 14-ounce cans of frozen lobster meat at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobster meat.

DISPOSITION: February 16, 1953. Default decree of condemnation and destruction.



**19572. Adulteration of oysters. U. S. v. 1,700 Cans \* \* \*. (F. D. C. No. 34488. Sample No. 39466-L.)**

**LIBEL FILED:** December 12, 1952, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about December 9, 1952, by Seacoast Oyster Co., Inc., from Baltimore, Md.

**PRODUCT:** 1,700 12-ounce cans of oysters at Little Rock, Ark.

**LABEL, IN PART:** "Oysters Standards Pride Of Chesapeake Bay."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** December 15, 1952. The shipper of the product having consented to the release of the product to a charitable institution, judgment of condemnation was entered and the court ordered that the product be delivered to the Arkansas State Hospital, for consumption by the inmates and not for sale.

**19573. Adulteration of oysters. U. S. v. 1,500 Cans \* \* \*. (F. D. C. No. 34037. Sample Nos. 39251-L, 39252-L.)**

**LIBEL FILED:** October 22, 1952, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 16, 1952, by Rhodes Bros., from Saxis, Va.

**PRODUCT:** 1,500 pint cans of oysters at Charleston, W. Va.

**LABEL, IN PART:** "Fres Shore Brand Fresh Oysters \* \* \* Standards [or "Selects"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** November 20, 1952. Default decree of condemnation and destruction.

**19574. Adulteration of oysters. U. S. v. 464 Cans \* \* \*. (F. D. C. No. 33987. Sample No. 57340-L.)**

**LIBEL FILED:** October 2, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 29, 1952, by the Oxford Packing Co., from Oxford, Md.

**PRODUCT:** 464 pint cans of oysters at Portsmouth, Ohio.

**LABEL, IN PART:** "Delicious Oysters."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** November 6, 1952. Default decree of condemnation and destruction.

**19575. Adulteration of oysters. U. S. v. 384 Cans, etc. (F. D. C. No. 34014. Sample Nos. 39422-L, 39423-L.)**

**LIBEL FILED:** On or about October 16, 1952, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 8, 1952, by the J. H. White Co., from Baltimore, Md.

**PRODUCT:** 384 pint cans of oysters standards and 72 pint cans of oysters selects at Champaign, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** November 13, 1952. Default decree of condemnation. The court ordered that the oysters be delivered to a charitable institution, provided that they were fit for human consumption, and that, if any portion of the oysters was found to be unfit, it should be destroyed.

**19576. Adulteration of oysters. U. S. v. 136 Cans, etc. (F. D. C. No. 34061. Sample Nos. 57328-L, 57329-L.)**

**LIBEL FILED:** September 22, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 16, 1952, by George A. Christy & Son, from Crisfield, Md.

**PRODUCT:** 200 pint cans of oysters at Kane, Pa.

**LABEL, IN PART:** "Christy's Choice Quality Oysters Standards [or "Selects"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** November 21, 1952. Default decree of condemnation and destruction. The oysters were destroyed because they were found to be spoiling.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**19577. Adulteration of evaporated apples. U. S. v. 134 Boxes, etc. (F. D. C. No. 34498. Sample No. 20205-L.)**

**LIBEL FILED:** December 18, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 17, 1952, by Thos. N. Nelson & Co., from Birmingham, Ala.

**PRODUCT:** 134 25-pound boxes and 228 40- and/or 50-pound boxes of evaporated apples at Minneapolis, Minn.

**LABEL, IN PART:** "Southern Special Washington Evaporated Apples \* \* \* Packed By Valley Evaporating Co. Yakima, Wash."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

**DISPOSITION:** January 23, 1953. The Valley Evaporating Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad, under the supervision of the Federal Security Agency. As a result of the segregation operations, approximately 9,500 pounds of the product were found unfit and were destroyed.



## VEGETABLES AND VEGETABLE PRODUCTS

**19578. Adulteration of canned corn. U. S. v. 460 Cases \* \* \*. (F. D. C. No. 34596. Sample No. 59047-L.)**

**LIBEL FILED:** On or about January 19, 1953, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 3, 1952, by the Associated Cannery Corp., from Queen Anne, Md.

**PRODUCT:** 460 cases, each containing 6 6-pound, 10-ounce cans, of corn at La Grange, Ga.

**LABEL, IN PART:** (Can) "Kent Farm Golden Sweet Corn Cream Style."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** February 10, 1953. Default decree of condemnation. The court ordered that the product be destroyed or be delivered to a Federal institution, for use as animal feed.

**19579. Adulteration of sweet relish and sweet relish pickles. U. S. v. 24 Cases, etc. (F. D. C. No. 34099. Sample Nos. 49097-L, 49098-L.)**

**LIBEL FILED:** November 3, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 1, 1952, by Colony Foods, from Vineland, N. J.

**PRODUCT:** 24 cases, each containing 4 1-gallon jars, of sweet relish, and 97 cases, each containing 24 15-ounce jars, of sweet relish pickles at New York, N. Y.

**LABEL, IN PART:** (Jar) "Checker \* \* \* Sweet Relish" and "White Rose \* \* \* Candied Sweet Relish Pickles."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 11, 1952. Default decree of condemnation and destruction.

## TOMATOES AND TOMATO PRODUCTS

**19580. Adulteration of canned tomatoes. U. S. v. 87 Cases \* \* \*. (F. D. C. No. 34154. Sample No. 66834-L.)**

**LIBEL FILED:** November 24, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 1, 1952, by Thomas Roberts & Co., Inc., from Harrington, Del.

**PRODUCT:** 87 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Co-Rel Brand Food Products Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** February 16, 1953. Default decree of condemnation and destruction.

**19581. Adulteration of canned tomatoes. U. S. v. 250 Cases \* \* \*. (F. D. C. No. 34426. Sample No. 37082-L.)**

**LIBEL FILED:** On or about December 17, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 2, 1952, by Albert W. Sisk & Son, from Cambridge, Md.

**PRODUCT:** 250 cases, each containing 24 cans, of tomatoes at Jersey City, N. J.

**LABEL, IN PART:** (Can) "Bay Bird Brand Tomatoes \* \* \* Contents 1 Lb. Packed By Walter T. Andrews & Son Cambridge, Md."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 11, 1953. Default decree of condemnation and destruction.

**19582. Misbranding of canned tomatoes. U. S. v. 703 Cases \* \* \*. (F. D. C. No. 34504. Sample No. 4609-L.)**

**LIBEL FILED:** December 18, 1952, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 31, 1952, by Albert W. Sisk & Son, from Cambridge, Md.

**PRODUCT:** 703 cases, each containing 24 1-pound cans, of tomatoes at Charleston, W. Va.

**LABEL, IN PART:** (Can) "Bay Bird Brand Tomatoes \* \* \* Packed By Walter T. Andrews & Son Cambridge, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label of the article failed to bear a statement that it fell below such standard.

**DISPOSITION:** February 13, 1953. T. LeCompte Andrews, trading as Walter T. Andrews & Son, having appeared as claimant and having admitted the shipment and misbranding as alleged in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by reprocessing under the supervision of the Federal Security Agency.

**19583. Adulteration of tomato juice. U. S. v. 322 Cases \* \* \*. (F. D. C. No. 34296. Sample No. 43925-L.)**

**LIBEL FILED:** On or about December 12, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 18, 1952, by the L. H. Moore Canning Co., from McAllen, Tex.

**PRODUCT:** 322 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Kansas City, Mo.

**LABEL, IN PART:** (Can) "Taste Tells Brand Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 30, 1953. Default decree of condemnation and destruction. On February 3, 1953, the court amended the decree to provide that the product be delivered to a municipal institution, for use as hog feed.



**19584. Adulteration of tomato juice. U. S. v. 89 Cases \* \* \*. (F. D. C. No. 34430. Sample No. 8257-L.)**

**LIBEL FILED:** December 13, 1952, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 17, 1952, by H. C. Hemingway & Co., from Clyde, N. Y.

**PRODUCT:** 89 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Wheeling, W. Va.

**LABEL, IN PART:** (Can) "IGA \* \* \* Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** January 13, 1953. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**19585. Adulteration of mixed nuts. U. S. v. 86 Cases \* \* \*. (F. D. C. No. 34483. Sample No. 40949-L.)**

**LIBEL FILED:** December 19, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 19, 1952, by S & W Fine Foods, Inc., from Portland, Oreg.

**PRODUCT:** 86 cases, each containing 24 1-pound bags, of mixed nuts at Seattle, Wash.

**LABEL, IN PART:** "S and W \* \* \* Mixed Nuts Walnuts, Almonds, Brazils, Filberts, Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged nuts, and of a decomposed substance by reason of the presence of moldy nuts; and the article was otherwise unfit for food by reason of the presence of gummy nuts.

**DISPOSITION:** January 14, 1953. S & W Fine Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency.

As a result of the segregation operations, it was found that all pecans, consisting of 170 pounds in the shell, were fit for human consumption and that all brazil nuts, consisting of 180 pounds, were unfit. The filberts were hand sorted, with the result that 191 pounds of these nuts in the shells were found to be good and 3 pounds were found to be bad. The almonds and walnuts, consisting of 220 pounds and 367 pounds, respectively, were shelled, with the result that 146 pounds of walnut meats and 77 pounds of almond meats were found to be good and 11 pounds of walnut meats and 29 pounds of almond meats were found to be bad.

**19586. Adulteration of cashew nuts. U. S. v. 64 Cases \* \* \*. (F. D. C. No. 34486. Sample No. 56838-L.)**

**LIBEL FILED:** December 15, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 19, 1952, from New York, N. Y.

**PRODUCT:** 64 cases, each containing 2 25-pound cans, of cashew nuts at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 14, 1953. William A. Higgins & Co., Inc., New York, N. Y., claimant, having admitted the facts as set forth in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

As a result of salvaging operations, 28 pounds of cashew nuts were found unfit and were destroyed.

**19587. Adulteration of shelled peanuts. U. S. v. 46 Bags \* \* \*. (F. D. C. No. 34580. Sample No. 35883-L.)**

**LIBEL FILED:** February 6, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 12, 1952, from Suffolk, Va.

**PRODUCT:** 46 100-pound bags of shelled peanuts at Louisville, Ky., in the possession of Shedd-Bartush Foods, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 28, 1953. Shedd-Bartush Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Federal Security Agency. 33 bags of the product were found unfit and were denatured.

**19588. Adulteration of peanut butter. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 34489. Sample No. 14639-L.)**

**LIBEL FILED:** December 17, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about October 21 and 24, 1952, by Portales Valley Mills, Inc., from Portales, N. Mex.

**PRODUCT:** 10 cases, each containing 24 8-ounce jars, of peanut butter at Denver, Colo.

**LABEL, IN PART:** (Jar) "Pito's Homogenized Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 2, 1953. Default decree of condemnation and destruction.

**19589. Misbranding of peanut butter. U. S. v. 130 Cartons \* \* \*. (F. D. C. No. 34413. Sample No. 37087-L.)**

**LIBEL FILED:** December 9, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 21 and 22, 1952, by Lummis & Co., from Philadelphia, Pa.



**PRODUCT:** 130 cartons, each containing 24 jars, of peanut butter at New York, N. Y.

**LABEL, IN PART:** (Jar) "White Rose Homogenized Peanut Butter \* \* \* Net 1 Lb."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the article was short of the declared weight).

**DISPOSITION:** January 7, 1953. Lummis & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of repacking the product so as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

**19590. Adulteration of peanut oil stock. U. S. v. 35,000 Pounds \* \* \*. (F. D. C. No. 34125. Sample No. 69167-L.)**

**LIBEL FILED:** November 11, 1952, District of New Mexico.

**ALLEGED SHIPMENT:** On or about October 7, 1952, by the Cisco Peanut Co., from Cisco, Tex.

**PRODUCT:** 35,000 pounds of peanut oil stock in 400 bags at Portales, N. Mex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

**DISPOSITION:** December 16, 1952. Portales Valley Mills, Inc., Portales, N. Mex., claimant, having admitted the essential allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as stock feed, under the supervision of the Federal Security Agency.

**19591. Adulteration of flavored coconut. U. S. v. 8 Drums \* \* \*. (F. D. C. No. 34494. Sample Nos. 14297-L to 14300-L, incl.)**

**LIBEL FILED:** December 17, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 28 and September 2, 1952, by the Edenfruit Products Co., from Poplar Grove, Ill.

**PRODUCT:** 8 drums containing a total of approximately 1,000 pounds of flavored coconut at Denver, Colo.

**LABEL, IN PART:** "Edenfruit Vanilla (or Orange, or Lemon or Strawberry) Flavored Medium Coconut \* \* \* Artificially Colored and Flavored."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its rancid and bitter taste, rendering it unpalatable.

**DISPOSITION:** March 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

## POULTRY

**19592. Adulteration of dressed poultry. U. S. v. 3,053 Pounds \* \* \*. (F. D. C. No. 34424. Sample 57365-L.)**

**LIBEL FILED:** On or about December 11, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about December 3, 1952, by H & H Poultry Co., Inc., from Selbyville, Del.

PRODUCT: 3,053 pounds of dressed poultry in 45 crates at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal and crop material.

DISPOSITION: January 6, 1953. H & H Poultry Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the unfit portion, under the supervision of the Federal Security Agency.

19593. Adulteration of dressed poultry. U. S. v. 22 Crates \* \* \*. (F. D. C. No. 34160. Sample No. 49539-L.)

LIBEL FILED: On or about November 24, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about October 29, 1952, by the Dodge-Freedman Poultry Co., from Concord, N. H.

PRODUCT: 22 crates, each containing 70 pounds, of dressed poultry at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: December 12, 1952. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

19594. Adulteration of dressed poultry. U. S. v. 294 Pounds \* \* \*. (F. D. C. No. 34422. Sample No. 49545-L.)

LIBEL FILED: December 16, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about November 19, 1952, by the Maine Poultry Co., from Bangor, Maine.

PRODUCT: 294 pounds of dressed poultry in 4 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: January 12, 1953. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

19595. Adulteration of dressed poultry. U. S. v. 211 Pounds \* \* \*. (F. D. C. No. 34617. Sample No. 57368-L.)

LIBEL FILED: January 19, 1953, District of Columbia.

ALLEGED SHIPMENT: On or about January 7, 1953, by the Wm. Schluderberg-T. J. Kurdle Co., from Cordova, Md.

PRODUCT: 211 pounds of dressed poultry in 3 crates at Washington, D. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and which were otherwise unfit for food by reason of the presence of extensively bruised birds.

DISPOSITION: February 11, 1953. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park, for its use and not for sale.



**19596. Adulteration of dressed turkeys. U. S. v. 16 Boxes, etc. (F. D. C. No. 34166. Sample Nos. 54188-L, 54189-L.)**

**LIBEL FILED:** November 28, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 18 and 27 and November 1, 1952, by Fox DeLuxe Foods, Inc., from Barron, Wis.

**PRODUCT:** 35 boxes of dressed turkeys at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of birds which were excessively bruised; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** January 13, 1953. Fox DeLuxe Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Federal Security Agency.

The product, which consisted of 3,205 pounds, was segregated, with the result that 412 pounds were found unfit.

**19597. Adulteration of dressed turkeys. U. S. v. 150 Pounds \* \* \*. (F. D. C. No. 34421. Sample No. 49544-L.)**

**LIBEL FILED:** December 16, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 18, 1952, by the Pocahontas Hatchery, from Wakefield, Va.

**PRODUCT:** 150 pounds of dressed turkeys in 3 crates at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** January 12, 1953. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19598. Adulteration of poppy seed. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 34116. Sample No. 54856-L.)**

**LIBEL FILED:** November 10, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 19, 1951, from Holland.

**PRODUCT:** 6 110-pound bags of poppy seed at Chicago, Ill., in the possession of the Castle Baking Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta pellets; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 4, 1953. Default decree of condemnation and destruction.

19599. Misbranding of Paprakene. U. S. v. 4 Barrels \* \* \*. (F. D. C. No. 33466. Sample No. 22641-L.)

LIBEL FILED: July 11, 1952, Southern District of Texas.

ALLEGED SHIPMENT: On or about March 21 and April 22, 1952, by Spicene Co. of America, Inc., from New York, N. Y.

PRODUCT: 4 250-pound barrels of Paprakene at Houston, Tex. Examination disclosed that the product was salt, colored with annatto and FD&C Red No. 4, and that it contained little or no oleoresin capsicum.

LABEL, IN PART: "Paprakene Contains: Oleoresin Capsicum Annatto and Other Essential Oils and Extractions in a Sodium Chloride Carrier \* \* \* Net Weight 250 pounds. This Product is Guaranteed to comply with all Pure Food Laws and B. A. I. Regulations."

NATURE OF CHARGE: Misbranding, Section 403 (a), the oleoresin capsicum listed in the ingredient statement on the label was false and misleading since the product contained little, if any, oleoresin capsicum.

Further misbranding, Section 403 (a), the label statement "This Product is Guaranteed to comply with all Pure Food Laws and B. A. I. Regulations" was false and misleading since the product does not comply with the Federal Food, Drug, and Cosmetic Act, and it is a product which is not permitted to be used in plants operated under the Bureau of Animal Industry Regulations.

Further misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since the statement "Other Essential Oils and Extractions in a Sodium Chloride Carrier" does not set forth the common or usual name of each such ingredient; and, Section 403 (k), the product contained the artificial color FD&C Red No. 4, and it failed to bear a label stating that fact.

DISPOSITION: October 8, 1952. Default decree of condemnation and destruction.

19600. Adulteration of red pepper hulls. U. S. v. 5 Barrels \* \* \*. (F. D. C. No. 34505. Sample No. 65186-L.)

LIBEL FILED: December 20, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about October 24, 1952, by the Harper & Bateman Pickle Co., from Hurlock, Md.

PRODUCT: 5 barrels of red pepper hulls at Winona, Minn.

LABEL, IN PART: "Red C. W. Pepper Hulls in Brine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments, and of a decomposed substance by reason of the presence of moldy red pepper hulls.

DISPOSITION: March 23, 1953. Default decree of destruction.

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PRODUCTS

N. J. No.		N. J. No.	
Apples, dried-----	19577	Coconut, flavored-----	19591
Cashew nuts-----	19586	Corn, canned-----	19578
Cereals and cereal products----	19551-	Cornmeal-----	19551
	19564	Crabmeat-----	19570

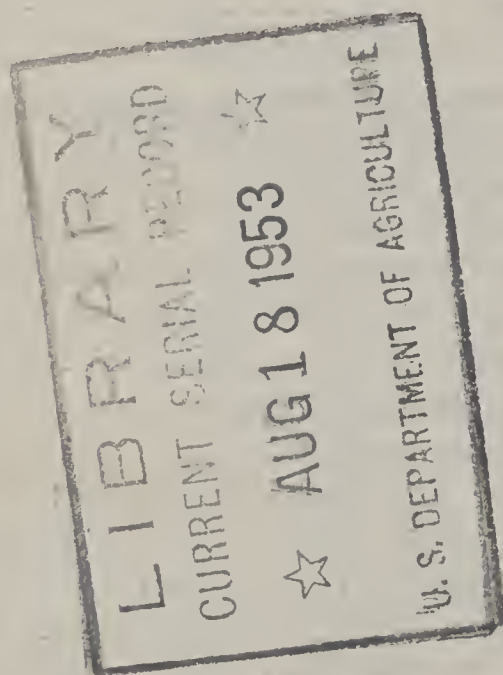


	N. J. No.		N. J. No.
Fish and shellfish	19565-19576	Pepper hulls, red	19600
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Pickles, sweet relish	19579
Flour	19551-19553	Pollack fillets, frozen	19567
Fruits and vegetables	19577-19584	Popcorn, unpopped, in oil	19554, 19555
fruit, dried	19577	Poppy seed	19598
tomatoes and tomato prod- ucts	19580-19584	Poultry	19592-19597
vegetables and vegetable prod- ucts	19578, 19579	Relish, sweet, and sweet relish pickles	19579
Lobster meat, frozen	19571	Rye flour and rye meal	19552
Mackerel, canned	19565, 19566	Sardines, canned	19568, 19569
Maypl oats	19564	Shellfish. <i>See</i> Fish and shellfish.	
Nuts and nut products	19585-19591	Spices, flavors, and seasoning ma- terials	19598-19600
Oats, Maypl	19564	Tapioca flour	19553
Oysters	19572-19576	Tomato(es), canned	19580-19582
Paprakene	19599	juice	19583, 19584
Pastry flour	19551	Vegetables. <i>See</i> Fruits and vege- tables.	
Peanut(s), shelled	19587	Wheat, bulk	19556-19563
butter	19588, 19589		
oil stock	19590		

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Andrews, Walter T., & Son:		Eshelman Grain, Inc.:	
canned tomatoes	19581, 19582	wheat	19557
Associated Cannery Corp.:		Farmers Grain Association:	
canned corn	19578	wheat	19556
B. J. B. Grain Co.:		Fox DeLuxe Foods, Inc.:	
wheat	19560	dressed turkeys	19596
Beard's Erie Basin, Inc.:		Franco Italian Packing Co.:	
tapioca flour	19553	canned mackerel	19566
Carmel Canning Co.:		French Sardine Co.:	
canned sardines	19568	canned mackerel	19565
Castle Baking Co.:		Gackle Bros. Grain Co.:	
poppy seed	19598	wheat	19559
Christy, George A., & Son:		H & H Poultry Co., Inc.:	
oysters	19576	dressed poultry	19592
Cisco Peanut Co.:		Harper & Bateman Pickle Co.:	
peanut oil stock	19590	red pepper hulls	19600
Colony Foods:		Hemingway, H. C., & Co.:	
sweet relish and sweet relish pickles	19579	tomato juice	19584
Dixie Home Stores, Inc.:		J. D. Packing Co.:	
unpopped popcorn in oil	19555	canned sardines	19569
Dodge-Freedman Poultry Co.:		La Porte County Farm Bureau Cooperative Association:	
dressed poultry	19593	wheat	19562
Dunnington Jones Grain Co.:		Lummis & Co.:	
wheat	19561	peanut butter	19589
Edenfruit Products Co.:		McMahon Co.:	
flavored coconut	19591	wheat	19558

	N. J. No.		N. J. No.
Maine Poultry Co.:		S & W Fine Foods, Inc.:	
dressed poultry-----	19594	mixed nuts-----	19585
Maltex Co.:		San Carlos Canning Co.:	
Maypl oats-----	19564	canned sardines-----	19568
Moore, L. H., Canning Co.:		Schluderberg-, Wm., T. J. Kurdle	
tomato juice-----	19583	Co.:	
Nelson, Thos. N., & Co.:		dressed poultry-----	19595
evaporated apples-----	19577	Seacoast Oyster Co., Inc.:	
Olympic Seafoods:		oysters-----	19572
crabmeat-----	19570	Shedd-Bartush Foods, Inc.:	
Oxford Packing Co.:		shelled peanuts-----	19587
oysters-----	19574	Sisk, Albert W., & Son:	
Pocahontas Hatchery:		canned tomatoes-----	19581, 19582
dressed turkeys-----	19597	Spicene Co. of America, Inc.:	
Portales Valley Mills, Inc.:		Paprakene-----	19599
peanut butter-----	19588	Toberman Grain Co.:	
Rhodes Bros.:		wheat-----	19563
oysters-----	19573	Valley Evaporating Co.:	
Roberts, Thomas, & Co., Inc.:		evaporated apples-----	19577
canned tomatoes-----	19580	White, J. H., Co.:	
Rose City Foods, Inc.:		oysters-----	19575
unpopped popcorn in oil-----	19554,		
	19555		





32148

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

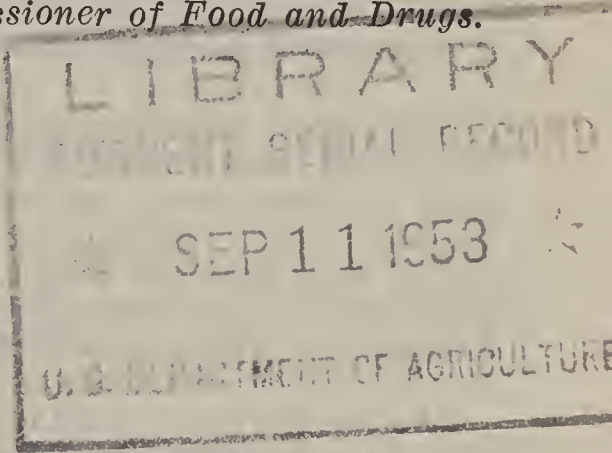
19601-19650

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *August 19, 1953.*



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**BEVERAGES AND BEVERAGE MATERIALS**

**19601. Adulteration of green coffee. U. S. v. 500 Bags \* \* \* (and 1 other seizure action). Tried to the court. Verdict for Government. Decree of condemnation. Decree affirmed upon appeal. Product ordered destroyed. (F. D. C. Nos. 27875, 27919. Sample Nos. 53940-K, 61583-K.)**

**LIBELS FILED:** September 23 and October 14, 1949, Eastern District of Missouri and Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 11, 1949 (Louisiana lot), by A. Jabour e Cia, from Rio de Janeiro, Brazil, and on or about August 11, 1949 (Missouri lot), by Westfeldt Bros. Co., from New Orleans, La.

**PRODUCT:** 500 130-pound bags of green coffee at St. Louis, Mo., and 500 130-pound bags of the product at New Orleans, La. Examination showed that the product was insect-infested and contained insect excreta and moldy and insect-tunneled coffee beans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance.

**DISPOSITION:** The General Grocer Co., St. Louis, Mo., having appeared as claimant in each of the seizure actions and the Government and the claimant having agreed to the transfer of the St. Louis libel action to the United States District Court for the Eastern District of Louisiana for consolidation with the New Orleans libel action, an order was entered on November 22, 1949, providing for the transfer. Thereafter, Otis, McAllister & Co. acquired the interest of the General Grocer Co. in the product under seizure and assumed the position of claimant. An answer having been filed by the claimant denying that the product was adulterated, the case came on for trial before the court without a jury on January 15, 1951. Following the trial, the court, on January 25, 1951, handed down the following opinion:

CONNALLY, *District Judge*: "This is a proceeding under the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301, et seq.), seeking condemnation of 1,000 bags of coffee beans, in their green state, introduced into this country from Rio de Janeiro, Brazil, through the port of New Orleans on or about July 11, 1949. Five hundred bags of the green coffee were stored and have remained at a warehouse in the City of New Orleans and within the Eastern District of Louisiana. The remaining 500 bags, on or about August 11, 1949, were shipped by rail to St. Louis, Missouri, where same have been located since such date.

"Action No. 642, upon the miscellaneous docket of the United States District Court for the Eastern District of Louisiana, was filed as libel of information seeking condemnation of the 500 bags located within that District, and Cause No. 6750, upon the docket of the Eastern District of Missouri, was filed as libel of information seeking condemnation of the 500 bags reposing in St. Louis. By agreement of all parties and appropriate order the actions were consolidated for trial, No. 6750 in the Eastern District of Missouri being transferred for trial with No. 642, Miscellaneous, in the Eastern District of Louisiana. The consolidated action was tried before me without a jury the 15th day of January, 1951.

"It appears conclusively that a substantial percentage of the coffee beans contain burrowings and holes made by insects, insect excreta, and bodies or portions of bodies of dead insects. A number of qualified analysts who have tested samples of the coffee have so testified. Likewise the insect infestation was manifest from an examination of samples offered and received in evidence. I find that the coffee was and is adulterated, within the meaning of Section 331, Title 21, U. S. Code. I do not think that the Claimant seriously contends to the contrary.



"Claimant contends very vigorously, however, that this coffee, by reason of the fact that it is in its green state and will be roasted and ground before offered for sale to the consuming public, was not a 'food' as that term is defined in Section 321 (f)<sup>1</sup>, citing *U. S. v. 443 Cans of Frozen Egg Product* (193 Fed. 589); *U. S. v. 1 Can of Kololiva* (24 Fed. Supp. 110); and the unreported opinion of the District Court for the Southern District of New York in No. AD-162-4, *U. S. v. 35 Bags of Coffee Sweepings*. It appears that in the last-mentioned case, the Trial Court made findings of fact as follows:

There is no evidence in the case in which I could base any finding that green coffee is a food or has been considered a food.

and a conclusion of law that the libel should be dismissed.

"Despite the fact that the last cited District Court opinion seems to be clearly in point, I cannot agree. The Claimant has offered testimony to show (and I think I might well take knowledge of the fact) that green coffee beans rarely, if ever, are sold at this time directly to the consuming public; that after coffee is roasted some quantities are sold directly to the consuming public, who may grind their own, but that a vast majority of all coffee sold to the consumer is ground and ready for use for making coffee.

"It is my opinion that the fact that the green coffee beans must undergo certain processing before being sold to the consuming public does not exclude them from the statutory definition. *U. S. v. 52 Drums Maple Syrup* (110 Fed. (2d) 914). At the trial it was suggested that the roasting process, during which the bean is heated to a high temperature, might destroy the objectionable matter contained in these beans, but there is not sufficient evidence upon which I could make such finding. Shortly prior to the trial, I permitted withdrawal of substantial samples of the beans to permit the Claimant and representatives of the Government to roast and process the coffee. Neither side has offered evidence of the result, but counsel for the Claimant has advised me informally that at least some of the objectionable matter was present after the roasting process. Claimant further contends that despite the fact that the coffee long since has passed from the control of customs officials and has been released and delivered to the consignee, it should be permitted to reexport the coffee back to the country of its origin, or elsewhere. While this would appear to me to be an intelligent solution of the problem, it seems to be precluded by *230 Boxes of Fish v. U. S.* (168 Fed (2d) 361).

"I think the United States is entitled to its decree of condemnation.

"Counsel for Libellant will prepare suggested Findings of Fact and Conclusions of Law and decree in conformity herewith, and present same within twenty (20) days."

In accordance with the foregoing opinion, a decree of condemnation was entered after which an appeal was taken by the claimant to the United States Court of Appeals for the Fifth Circuit. On February 12, 1952, the following opinion was handed down by that court:

PER CURIAM: "Appealing from a decree condemning, and forfeiting to the United States, 500 bags of green coffee, claimant is here assigning two grounds of error.

"One of these is that the court erred in finding and concluding that green coffee is an article of food within the meaning of 21 U. S. C., Sec. 321 (f).

"The other is that it erred in not affording claimant the right to proceed under Sec. 801 of the Act (21 U. S. C. 381) to have the coffee reexported.

"Unfortunately for claimant, whatever might have been said of them as original propositions, both of its claims of error have already been decided against it in well reasoned opinions.

"The first has been decided in principle in *U. S. v. 24 Cans \* \* \* Ladled Butter*, 148 F. (2) 365 (5th Cir.); *U. S. v. 52 Drums Maple Syrup*, 110 F. (2) 914 (2nd Cir.); *Union Dairy Co. v. U. S.*, 250 Fed. 231 (7th Cir.); and on the precise point, green coffee, in *United States v. Bayer & Co.*, 188 F. (2) 555 (2nd Cir.).

<sup>1</sup> Title 21, U. S. C., Sec. 321 (f): "The term 'food' means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article."



"The second has been decided against it in *230 Boxes of Fish v. United States*, 168 F (2) 361 (6th Cir.).

"In full accord with these decisions, we content ourselves with saying so, and, on their authority, order the decree affirmed."

On March 3 and 10, 1952, upon the joint motions of the Government and the claimant, orders were entered directing that each lot of the product be destroyed.

**19602. Misbranding of ground coffee. U. S. v. 3,772 Cans \* \* \*. (F. D. C. No. 34524. Sample No. 4580-L.)**

**LIBEL FILED:** January 2, 1953, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 22, 1952, by the Producers Warehouse, from Chicago, Ill., for J. Aron & Co., Inc., New York, N. Y.

**PRODUCT:** 3,772 cans of ground coffee at Beckley, W. Va.

**LABEL, IN PART:** "One pound Net Weight Pure Ground Coffee Vacuum Packed."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short of the declared weight).

**DISPOSITION:** February 13, 1953. J. Aron & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**19603. Adulteration of hops concentrate. U. S. v. 4 Cases, etc. (F. D. C. No. 34136. Sample No. 57249-L.)**

**LIBEL FILED:** On or about November 14, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about September 22, 1950, from Cincinnati, Ohio.

**PRODUCT:** 4 cases, each containing 8 10-pound cans, and 10 cases, each containing 8 9-pound cans, of hops concentrate at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 5, 1952. Default decree of condemnation and destruction.

## CANDY, SIRUP, AND SUGAR

### CANDY

**19604. Adulteration of candy. U. S. v. 124 Cases \* \* \*. (F. D. C. No. 34214. Sample No. 41236-L.)**

**LIBEL FILED:** November 12, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about October 21, 1952, by the Imperial Candy Co., from Seattle, Wash.

**PRODUCT:** 124 cases, each containing 6 12-ounce boxes, of candy at Honolulu, T. H.

**LABEL, IN PART:** (Box) "Victoria Creams Almond Crespa Bear Claws Societe."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.



**DISPOSITION:** December 3, 1952. American Factors, Ltd., Honolulu, T. H., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

**19605. Adulteration and misbranding of candy. U. S. v. 53 Dozen Boxes \* \* \*.**  
(F. D. C. No. 32947. Sample No. 33698-L.)

**LIBEL FILED:** March 14, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 15, 1952, by Dagmar Candy Mfg. Co., Inc., from Newark, N. J.

**PRODUCT:** 53 dozen boxes of candy at Chicago, Ill.

**LABEL, IN PART:** (Box) "The Original Whistle-Pop Net Weight 4½ Ounces 10 Delicious Lollypops that Whistle."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short of the declared weight).

**DISPOSITION:** June 17, 1952. Default decree of condemnation and destruction. On June 19, 1952, an amended decree was entered to provide for the delivery of a portion of the product to the Food and Drug Administration.

### SIRUP

**19606. Adulteration and misbranding of sorghum sirup. U. S. v. 17 Cases, etc.**  
(F. D. C. No. 34011. Sample No. 53152-L.)

**LIBEL FILED:** On or about October 20, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 20, 1952, by M. Dawson, from West Monroe, La.

**PRODUCT:** 17 cases, each containing 12 ½-gallon cans, and 6 cases, each containing 6 1-gallon cans, of sorghum sirup at Springfield, Mo.

**LABEL, IN PART:** "Sorghum made for and guaranteed by M. Dawson & Son, Springdale, Arkansas \* \* \* made from sorghum grain and cane juice \* \* \* citric acid added to prevent crystallization."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of glucose, sucrose, invert sugar, water, and a small amount of mineral matter had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading as applied to a mixture of glucose, sucrose, invert sugar, water, and a small amount of mineral matter; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and it failed to bear a label stating the common or usual name of each ingredient.

**DISPOSITION:** November 1952. M. Dawson, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

## SUGAR

**19607. Adulteration of sugar. U. S. v. 225 Bales \* \* \*. (F. D. C. No. 34097. Sample No. 59033-L.)**

**LIBEL FILED:** November 3, 1952, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 5 and 23, 1952, from Baltimore, Md.

**PRODUCT:** 225 bales, each containing 12 5-pound bags, of sugar at Columbia, S. C. Examination showed the presence of smoke- and water-damaged sugar, which was caused in transit when the truck carrying the sugar caught fire.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of smoke- and water-damaged sugar. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 22, 1952. Default decree of condemnation and destruction.

**19608. Adulteration of powdered sugar. U. S. v. 22 Bags \* \* \*. (F. D. C. No. 34497. Sample No. 14909-L.)**

**LIBEL FILED:** December 17, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about February 15 and March 17, 1952, from Ogden, Utah.

**PRODUCT:** 22 25-pound bags of powdered sugar at Emporia, Kans., in the possession of DeBauge Bros., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 19, 1953. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**19609. Adulteration of bread and cake. U. S. v. Ward Baking Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 33814. Sample Nos. 5961-L, 44276-L.)**

**INFORMATION FILED:** December 5, 1952, District of Massachusetts, against the Ward Baking Co., a corporation, Cambridge, Mass.

**ALLEGED SHIPMENT:** On or about April 9 and 15, 1952, from the State of Massachusetts into the States of New Hampshire and Rhode Island.

**LABEL, IN PART:** "Tip-Top Restaurant Bread" and "Tip-Top \* \* \* Golden Layer."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** January 13, 1953. A plea of nolo contendere having been entered, the court fined the defendant \$500.



## FLOUR

**19610. Adulteration of flour. U. S. v. 368 Bags, etc.** (F. D. C. No. 33925. Sample Nos. 62227-L to 62229-L, incl., 62231-L.)

**LIBEL FILED:** October 10, 1952, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about March 4 and 25 and April 21, 1952, from St. Louis, Mo., and Mount Vernon, Ind.

**PRODUCT:** 1,170 25-pound bags of flour at Murray, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 23, 1952. The Aviston Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be used for animal feed and that the product be labeled accordingly, under the supervision of the Food and Drug Administration.

**19611. Adulteration of flour. U. S. v. 55 Bags \* \* \*.** (F. D. C. No. 33935. Sample No. 33030-L.)

**LIBEL FILED:** October 17, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** At times prior to October 17, 1952, from points outside the State of Illinois.

**PRODUCT:** 55 100-pound bags of flour at Chicago, Ill., in the possession of Fogel Warehouse Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of pigeon droppings, and it was otherwise unfit for food by reason of the presence of water-damaged flour; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 13, 1953. Default decree of condemnation. The court ordered that the product be delivered to an institution, for use as animal feed.

**19612. Adulteration and misbranding of enriched self-rising flour. U. S. v. Dixie-Portland Flour Co. Plea of guilty. Fine, \$500.** (F. D. C. No. 33839. Sample Nos. 1751-L, 2828-L, 4063-L.)

**INFORMATION FILED:** November 3, 1952, Eastern District of Tennessee, against the Dixie-Portland Flour Co., a corporation, Chattanooga, Tenn.

**ALLEGED SHIPMENT:** On or about July 19, October 30, and December 4, 1951, from the State of Tennessee into the States of Georgia and North Carolina.

**LABEL, IN PART:** "Enriched Self Rising Flour Bleached Vitamins and Iron 25 Lbs. Net Weight \* \* \* Washington Flour Mill White Silk Washington, Mo.," "10 Lbs. Bleached Enriched Self-Rising Flour \* \* \* Dixie Portland Flour Mills Gold Seal Richmond, Va.," or "25 Lbs. Net Weight Stout's Famous Flour Bleached Self-Rising Enriched \* \* \* Milled for and Baking quality Guaranteed by Washington Flour Mill Washington, Mo."



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, riboflavin, iron, and niacin, in one of the shipments, vitamin B<sub>1</sub>, riboflavin, and niacin, in one of the shipments, and vitamin B<sub>1</sub> and riboflavin, in the third shipment, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched self-rising flour since the regulations prescribing a definition and standard of identity provide that enriched self-rising flour shall contain in each pound, among other nutritional substances, not less than 2 mg. of thiamine (vitamin B<sub>1</sub>), not less than 1.2 mg. of riboflavin, not less than 16 mg. of niacin, and not less than 13 mg. of iron, whereas one shipment of the article contained less vitamin B<sub>1</sub>, riboflavin, niacin, and iron than required; one shipment contained less vitamin B<sub>1</sub>, riboflavin, and niacin than required; and one shipment contained less vitamin B<sub>1</sub> and riboflavin than required.

Further misbranding, Section 403 (a), the statement "8 oz. of Enriched Self-Rising Flour contains not less than the following proportions of the minimum daily requirements of Vitamin B<sub>1</sub> 100%, Riboflavin 30%, Iron 65% \* \* \* and 8 mg. of Niacin" borne on the label of one of the shipments and similar statements on the labels of the other shipments were false and misleading since all the shipments contained less than the declared proportions of the minimum daily requirements for vitamin B<sub>1</sub> and riboflavin; two of the shipments contained less than the declared amount of niacin; and one of the shipments contained less than the declared proportion of the minimum daily requirements for iron.

**DISPOSITION:** November 7, 1952. A plea of guilty having been entered, the court imposed a fine of \$83 against the defendant on each of the first 5 counts of the information and a fine of \$85 on the sixth count, a total fine of \$500.

### MACARONI AND NOODLE PRODUCTS

**19613. Adulteration of elbow macaroni and mixed nuts. U. S. v. 9 Cases, etc.** (F. D. C. No. 34481. Sample Nos. 43928-L, 43930-L.)

**LIBEL FILED:** December 11, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about December 12, 1951, and October 30, 1952, from Kansas City, Mo.

**PRODUCT:** 9 cases, each containing 12 2-pound bags, of elbow macaroni, and 9 cases, each containing 24 2-pound bags, of mixed nuts, at Iola, Kans., in the possession of the Iola Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the products had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 2, 1953. Default decree of condemnation and destruction.

**19614. Adulteration of egg noodles. U. S. v. 20 Cases \* \* \*. (F. D. C. No. 34196. Sample No. 22608-L.)**

**LIBEL FILED:** November 7, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about May 5, 1952, by the American Beauty Macaroni Co., from Kansas City, Mo.



PRODUCT: 20 cases, each containing 12 10-ounce bags, of egg noodles at Houston, Tex.

LABEL, IN PART: (Bag) "American Beauty Highest Quality Pure Egg Noodles \* \* \* Contains 5½% Egg Solids."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in whole or in part omitted from the product.

DISPOSITION: December 23, 1952. Default decree of condemnation and destruction.

19615. Adulteration and misbranding of egg noodles. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 34195. Sample No. 44171-L.)

LIBEL FILED: November 3, 1952, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about August 27, 1952, by the American Beauty Macaroni Co., from Wichita, Kans.

PRODUCT: 21 cases, each containing 12 10-ounce bags, of egg noodles at Oklahoma City, Okla.

LABEL, IN PART: (Bag) "American Beauty Krinkly Non Skid Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Contains 5½% Egg Solids" was false and misleading as applied to the article, which contained less than 5½ percent of egg or egg yolk solids; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for noodles since the total solids of the article contained less than 5½ percent by weight of the solids of egg or egg yolk, the minimum permitted by the definition and standard.

DISPOSITION: December 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for its use and not for sale.

### MISCELLANEOUS CEREALS

19616. Adulteration of unpopped popcorn in oil. U. S. v. 39 Cases, etc. (F. D. C. No. 34474. Sample Nos. 59220-L, 59221-L.)

LIBEL FILED: January 5, 1953, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about November 19 and 29, 1952, by Rose City Foods, Inc., from Thomasville, Ga.

PRODUCT: 73 cases, each containing 24 11½-ounce jars, of unpopped popcorn in oil at Columbia, S. C.

LABEL, IN PART: (Jar) "Rose Kist Pour N'Pop Popcorn & Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: February 12, 1953. Default decree of condemnation and destruction.

19617. Adulteration of unpopped popcorn in oil. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 34466. Sample No. 59222-L.)

LIBEL FILED: January 2, 1953, Western District of North Carolina.

ALLEGED SHIPMENT: On an unknown date, by the Colonial Stores, from Columbia, S. C.

**PRODUCT:** 25 cases, each containing 24 11½-ounce jars, of unpopped popcorn in oil at Charlotte, N. C.

**LABEL, IN PART:** (Jar) "Rose Kist Pour N'Pop Popcorn & Oil \* \* \* Rose City Foods, Inc., Thomasville, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** February 25, 1953. Default decree of condemnation and destruction.

**19618. Adulteration of rice. U. S. v. 12 Bags \* \* \*. (F. D. C. No. 33561. Sample No. 49204-L.)**

**LIBEL FILED:** On or about September 8, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 29, 1952, from the British West Indies.

**PRODUCT:** 12 100-pound bags of rice at New York, N. Y.

**LABEL, IN PART:** "P & Co. Ltd.-St. Lucia."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** January 21, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**19619. Adulteration of wheat. U. S. v. 94,000 Pounds \* \* \*. (F. D. C. No. 33417. Sample No. 49003-L.)**

**LIBEL FILED:** June 24, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 29, 1952, by the Hartung-Erickson Elevator Co., from Frankfort, S. Dak.

**PRODUCT:** 94,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** July 2 and 7, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency. On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in notices of judgment Nos. 19620 to 19623, incl., were commingled for purposes of the scouring operations. As a result of these operations, 8,720 pounds of wheat were found unfit and were destroyed.

**19620. Adulteration of wheat. U. S. v. 88,200 Pounds \* \* \*. (F. D. C. No. 33396. Sample No. 48713-L.)**

**LIBEL FILED:** June 12, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 28, 1952, by the International Elevator Co., from Fallon, Mont.

**PRODUCT:** 88,200 pounds of wheat at Duluth, Minn.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** June 18 and July 2, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency. On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in notices of judgment Nos. 19619 and 19621 to 19623, incl., were commingled for purposes of the scouring operations. As a result of these operations, 8,720 pounds of wheat were found unfit and were destroyed.

**19621. Adulteration of wheat. U. S. v. 86,400 Pounds \* \* \*. (F. D. C. No. 33424. Sample No. 49006-L.)**

**LIBEL FILED:** June 25, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 4, 1952, by the Farmers Grain Co., from Harvey, N. Dak.

**PRODUCT:** 86,400 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 3, 1952. Stephen J. Schreder, Harvey, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency. On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in notices of judgment Nos. 19619, 19620, 19622, and 19623 were commingled for purposes of the scouring operations. As a result of these operations, 8,720 pounds of wheat were found unfit and were destroyed.

**19622. Adulteration of wheat. U. S. v. 96,500 Pounds \* \* \*. (F. D. C. No. 33427. Sample No. 48548-L.)**

**LIBEL FILED:** June 26, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 2, 1952, by the Amenia Seed & Grain Co., from Amenia, N. Dak.

**PRODUCT:** 96,500 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.



**DISPOSITION:** July 2, 1952. The Amenia Seed & Grain Co., Amenia, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency. On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in notices of judgment Nos. 19619 to 19621, incl., and 19623 were commingled for purposes of the scouring operations. As a result of these operations, 8,720 pounds of wheat were found unfit and were destroyed.

**19623. Adulteration of wheat. U. S. v. 123,000 Pounds \* \* \*. (F. D. C. No. 33410. Sample No. 48902-L.)**

**LIBEL FILED:** June 19, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 2, 1952, by the Amenia Seed & Grain Co., from Amenia, N. Dak.

**PRODUCT:** 123,000 pounds of wheat at St. Cloud, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** July 2 and 7, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency. On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant, and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in notices of judgment Nos. 19619 to 19622, incl., were commingled for purposes of the scouring operations. As a result of these operations, 8,720 pounds of wheat were found unfit and were destroyed.

**19624. Adulteration of wheat. U. S. v. 124,200 Pounds \* \* \*. (F. D. C. No. 33420. Sample No. 48547-L.)**

**LIBEL FILED:** June 25, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 3, 1952, by the Farmers Elevator Co., from Butte, N. Dak.

**PRODUCT:** 124,200 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by scouring, under the supervision of the Federal Security Agency. As a result of the



scouring operation, 121,850 pounds of the product were salvaged and 3,270 pounds, the unfit portion, were destroyed by burning.

**19625. Adulteration of wheat. U. S. v. 81,210 Pounds \* \* \*. (F. D. C. No. 33380. Sample No. 48545-L.)**

**LIBEL FILED:** June 5, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 19, 1952, by General Mills, Inc., from Fairfield, Mont.

**PRODUCT:** 81,210 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by scouring, under the supervision of the Federal Security Agency. As a result of the scouring operations, 5,670 pounds of the product were found unfit and were destroyed.

**19626. Adulteration of wheat. U. S. v. 88,320 Pounds \* \* \*. (F. D. C. No. 34041. Sample No. 48640-L.)**

**LIBEL FILED:** October 22, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 14, 1952, by the McCaull-Lyman Co., from Minneapolis, Minn.

**PRODUCT:** 88,320 pounds of wheat at Des Moines, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** October 24, 1952. The Denhoff Grain Co., Denhoff, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

## DAIRY PRODUCTS

### BUTTER

**19627. Adulteration of butter. U. S. v. 96 Pounds \* \* \*. (F. D. C. No. 33535. Sample No. 4715-L.)**

**LIBEL FILED:** August 18, 1952, District of Columbia.

**ALLEGED SHIPMENT:** On or about August 13, 1952, by the Smelkinson Bros. Corp., from Baltimore, Md.

**PRODUCT:** 96 pounds of butter at Washington, D. C.

**LABEL, IN PART:** "Springdale Brand Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 10, 1952. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park.

19628. Adulteration of butter. U. S. v. 5 Cases, etc. (F. D. C. No. 33959. Sample No. 8719-L.)

LIBEL FILED: September 10, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about August 8, 1952, by the Seidel Creamery Co., from Bay City, Mich.

PRODUCT: Butter. 27 1-pound prints and 5 cases, each case containing 32 1-pound prints, at Schenectady, N. Y.

LABEL, IN PART: "Wilson's Clearbrook Creamery Butter \* \* \* Distributed by Wilson & Co. Inc., General Offices, Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 19, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

### CHEESE

19629. Adulteration and misbranding of cheddar cheese. U. S. v. Dwight A. Tollefson (Whiting Cheese Factory). Plea of guilty. Fine of \$50, plus costs. (F. D. C. No. 33819. Sample No. 14922-L.)

INFORMATION FILED: November 3, 1952, District of Kansas, against Dwight A. Tollefson, trading as the Whiting Cheese Factory, Whiting, Kans.

ALLEGED SHIPMENT: On or about March 28, 1952, from the State of Kansas into the State of Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which was made from unpasteurized milk and which contained more than 39 percent of moisture had been substituted for pasteurized cheddar cheese, which the product purported and was represented to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cheddar cheese since it contained more than 39 percent of moisture and since the milk used in the manufacture of the cheese had not been pasteurized and the cheese had not been cured at a temperature of not less than 35° F. for a period of not less than 60 days.

DISPOSITION: November 10, 1952. A plea of guilty having been entered, the court fined the defendant \$50, plus costs.

### EGGS

19630. Adulteration and misbranding of frozen eggs. U. S. v. Omaha Cold Storage Co. Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 31074. Sample No. 79362-K.)

INFORMATION FILED: May 1, 1951, District of Nebraska, against the Omaha Cold Storage Co., a corporation, Omaha, Nebr.

ALLEGED SHIPMENT: On or about July 5, 1950, from the State of Nebraska into the State of Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.



Misbranding, Section 403 (e) (1), the label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: January 8, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$600, plus costs.

**19631. Adulteration of frozen eggs. U. S. v. 470 Cans \* \* \*. (F. D. C. No. 34052. Sample No. 11796-L.)**

LIBEL FILED: October 27, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 18, 1952, by the Producers Produce Co., from Springfield, Mo.

PRODUCT: 470 30-pound cans of frozen eggs at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: December 5, 1952. Schneider Bros., Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. 222 cans of the product were salvaged, and 246 cans were converted into animal feed.

## FISH AND SHELLFISH

**19632. Adulteration of frozen tullibees. U. S. v. 45 Boxes, etc. (F. D. C. No. 33083. Sample Nos. 48753-L, 48754-L.)**

LIBEL FILED: April 19, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about March 24 and 29, 1952, by the Kozloff Fish Co., from Detroit, Mich.

PRODUCT: 45 60-pound boxes and 45 125-pound boxes of frozen tullibees at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: May 21, 1952. Olsen's, Inc., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing for use as animal feed, under the supervision of the Federal Security Agency.

**19633. Adulteration and misbranding of canned tuna. U. S. v. 59 Cases \* \* \*. (F. D. C. No. 33190. Sample No. 6822-L.)**

LIBEL FILED: April 21, 1952, Western District of New York.

RESULTS OF INVESTIGATION: The product was shipped in unlabeled cans on or about November 23, 1951, by Wilbur-Ellis Co., Inc., from New Bedford, Mass., to Brooklyn, N. Y., and was labeled there by the shipper and reshipped to Rochester, N. Y.

PRODUCT: 59 cases, each containing 48 cans, of tuna at Rochester, N. Y.

LABEL, IN PART: (Can) "Red & White Brand Solid Pack Light Meat Fancy Tuna Contents 7 Oz. Avoir. Product of Peru."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. Misbranding, Section 403 (a), the label statements "Fancy \* \* \* Product of Peru" were false and misleading since the product was not of fancy grade and was not a product of Peru; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 7 ounces.

The product was adulterated when introduced into and while in interstate commerce and was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1952. Default decree of condemnation and destruction.

**19634. Misbranding of canned tuna. U. S. v. 110 Cases \* \* \*. (F. D. C. No. 34216. Sample No. 41899-L.)**

**LIBEL FILED:** November 12, 1952, District of Utah.

**ALLEGED SHIPMENT:** On or about October 17, 1952, by the Howard Terminal, from Oakland, Calif.

**PRODUCT:** 110 cases, each containing 48 6½-ounce cans, of tuna at Salt Lake City, Utah.

**LABEL, IN PART:** "Standby Royal Hawaiian Brand Chunk Style Tuna in Soya Oil."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Chunk Style Tuna in Soya Oil" was false and misleading since the product was packed in cottonseed oil.

**DISPOSITION:** December 12, 1952. The Pacific Gamble Robinson Co., trading as the Pacific Fruit and Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

**19635. Action to enjoin and restrain the interstate shipment of adulterated crabmeat. U. S. v. Pascagoula Crab Co. and John P. Lowe. Consent decree granting injunction. (Inj. No. 254.)**

**COMPLAINT FILED:** September 24, 1952, Southern District of Mississippi, against the Pascagoula Crab Co., a partnership, Pascagoula, Miss., and John P. Lowe, a partner in the partnership.

**NATURE OF CHARGE:** That the defendants had been and were at the time of filing the complaint introducing and delivering for introduction into interstate commerce quantities of crabmeat which was adulterated in the following respects: Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli*; and, Section 402 (a) (4), the article had been and was still being prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendants' plant resulted from, and consisted of, the presence of flies and poor toilet facilities in the plant and general carelessness on the part of the defendants in correcting the insanitary practices of the employees in the plant; that the defendants had been warned at the time of various factory inspections about the insanitary conditions; and that the defendants still continued to introduce adulterated crabmeat into interstate commerce.



**DISPOSITION:** October 3, 1952. The defendants having consented to the entry of a decree, the court issued an order perpetually enjoining the defendants from introducing, or delivering for introduction, into interstate commerce, crabmeat which was adulterated within the meaning of Sections 402 (a) (3) and (4).

**19636. Adulteration of crabmeat. U. S. v. 83 Cans \* \* \*. (F. D. C. No. 33966. Sample No. 21384-L.)**

**LIBEL FILED:** On or about August 15, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about August 12, 1952, by the Pascagoula Crab Co., from Pascagoula, Miss.

**PRODUCT:** 83 1-pound cans of crabmeat at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), the product was prepared under insanitary conditions. (The product was contaminated with *E. coli* of fecal origin.)

**DISPOSITION:** October 15, 1952. Default decree of condemnation and destruction.

**19637. Adulteration of oysters. U. S. v. 234 Cans, etc. (F. D. C. No. 34043. Sample Nos. 57442-L, 57443-L.)**

**LIBEL FILED:** October 23, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 21, 1952, by Seacoast Oyster Co., Inc., from Baltimore, Md.

**PRODUCT:** 268 pint cans of oysters at Warren, Ohio.

**LABEL, IN PART:** "Lovely Lady Oysters."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** October 29, 1952. The sole interveners having admitted the allegations in the libel, judgment of condemnation and destruction was entered.

**19638. Adulteration and misbranding of oysters. U. S. v. 224 Cans \* \* \*. (F. D. C. No. 34026. Sample No. 4124-L.)**

**LIBEL FILED:** October 17, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about October 13, 1952, by George Powley & Co., from Wingate, Md.

**PRODUCT:** 224 cans of oysters in 2 barrels at Watertown, N. Y.

**LABEL, IN PART:** (Can) "Delicious Oysters One Pint Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (e) (1), the article was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** December 9, 1952. Default decree of condemnation and destruction.

19639. Adulteration and misbranding of oysters. U. S. v. 109 Cans, etc. (F. D. C. No. 33927. Sample Nos. 4735-L, 4736-L.)

LIBEL FILED: October 18, 1952, Western District of South Carolina.

ALLEGED SHIPMENT: On or about October 7, 1952, by E. I. Webb & Co., from Weems, Va.

PRODUCT: 193 pint cans of oysters at Rock Hill, S. C.

LABEL, IN PART: "Oysters Standards [or "Selects"] Moonlight Bay Fresh Raw Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects since they were not thoroughly drained.

DISPOSITION: November 21, 1952. Default decree of condemnation and destruction.

19640. Adulteration of frozen breaded fantail shrimp. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 33904. Sample No. 4728-L.)

LIBEL FILED: October 2, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about September 16, 1952, by Brunswick Quick Freezer, from Brunswick, Ga.

PRODUCT: 25 cases, each containing 12 3-pound packages, of frozen breaded fantail shrimp at Washington, D. C.

LABEL, IN PART: (Package) "Georgia Golden Shore Individually Frozen Breaded Fantail Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: November 12, 1952. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park.

19641. Misbranding of frozen shrimp. U. S. v. 39 Cartons \* \* \*. (F. D. C. No. 34110. Sample No. 10601-L.)

LIBEL FILED: November 10, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 16, 1952, by the Aerofoods Division of Sea Pak Corp., from St. Simons Island, Ga.

PRODUCT: 39 cartons, each containing 10 packages, of frozen shrimp at Chicago, Ill.

LABEL, IN PART: (Package) "Aero Foods \* \* \* Glazed Weight 3 Pounds When Packed P. D. Q. Shrimp." (The label also bore an almost illegible rubber-stamped mark "2 lbs. 8 ozs." )

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Weight 3 Pounds When Packed" was inaccurate and the rubber-stamped mark "2 lbs. 8 ozs." was almost illegible.

DISPOSITION: December 30, 1952. W. M. Walker, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was



entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

## FRUITS AND VEGETABLES

### CANNED FRUIT

19642. Misbranding of canned peaches. U. S. v. 500 Cases \* \* \*. (F. D. C. No. 34106. Sample No. 40909-L.)

**LIBEL FILED:** November 5, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 30, 1952, by the Yakima County Horticultural Union, from Yakima, Wash.

**PRODUCT:** 500 cases, each containing 24 1-pound, 13-ounce cans, of peaches at York, Pa.

**LABEL, IN PART:** (Can) "Penn Dale Brand Chunks Yellow Free Elberta Peaches In Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations; and the label of the product failed to bear, as required by the standard, the name of the optional peach ingredient present and the name by which the optional packing medium used in the food is designated in the standard, since the label bore the statement "Chunks \* \* \* In Extra Heavy Syrup," whereas the optional peach ingredient present was "Mixed Pieces of Irregular Sizes and Shapes" and the optional packing medium used was heavy sirup.

**DISPOSITION:** April 24, 1953. The Yorktown Wholesale Grocery Co., Lancaster, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Department of Health, Education, and Welfare.

### FROZEN FRUIT

19643. Misbranding of frozen strawberries. U. S. v. 400 Cases \* \* \*. Motion to quash denied and exceptions to interrogatories overruled in part and granted in part. Motion for summary judgment granted. Decree of condemnation. (F. D. C. No. 25735. Sample Nos. 6506-K, 6533-K.)

**LIBEL FILED:** October 20, 1948, Western District of New York; amended libel filed on November 22, 1949.

**ALLEGED SHIPMENT:** On or about September 8, 1948, by the Sunshine Packing Corp. of Pennsylvania, from North East, Pa.

**PRODUCT:** 400 cases, each containing 24 packages, of frozen strawberries at Rochester, N. Y. Examination showed that each package contained only 14 ounces of strawberries, whereas each package could hold 1 pound.

**LABEL, IN PART:** (Package) "Quick Frozen Sunshine Brand Sliced Strawberries \* \* \* Net Weight 14 Oz. \* \* \* This One Pound Package Serves 4."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "This One Pound Package Serves 4" was false and misleading as applied to a package containing less than 1 pound; and, Section 403 (d), the container of the article was so filled as to be misleading since only 14 ounces of sliced strawberries with sugar were packed in the container and the container was designed to



hold, and the firm packs, 16 ounces of sliced strawberries with sugar in the same size package.

DISPOSITION: The Sunshine Packing Corp. of Pennsylvania appeared as claimant and filed an answer denying that the product was misbranded as alleged in the libel. Thereafter, an amended libel was filed, together with a set of written interrogatories to be answered by the claimant. A motion to quash the amended libel, together with exceptions to the interrogatories, was filed on behalf of the claimant. On December 23, 1949, the court handed down the following opinion in denial of the claimant's motion to quash:

KNIGHT, *District Judge*: "After the goods in question were libelled, Sunshine Packing Corporation of Pennsylvania claimed ownership and was allowed to intervene and answer. It now moves for an order (1) dismissing and quashing the amended libel of information on grounds it was not filed pursuant to order of this court, that it is not timely, that it will prevent a fair and impartial trial of issues and defense, as it contains improperly joined charges under 21 U. S. C. secs. 343[403] (a) and 343[403] (d), which should have been pleaded under separate causes of action; (2) directing that its charges be pleaded, if at all, as separate causes of action; (3) directing, in interests of justice, that action be severed and said causes of action under said sections be tried separately so that claimant will not be prejudiced and may have a fair and impartial trial of issues and defenses.

"On the return day of said motion claimant did not appear. Its attorney and proctor has not filed any brief.

"Both libels of information allege that Sunshine Packing Corporation of Pennsylvania shipped in interstate commerce from Pennsylvania to Rochester, N. Y., via shipper's truck on or about September 8, 1948, 400 cases, more or less, each containing 24 packages of an article labeled in part: 'Quick Frozen Sunshine Brand Sliced Strawberries \* \* \* Net Weight 14 Oz. \* \* \* This One Pound Package Serves 4.' The original libel alleges that said 'article was misbranded in interstate commerce, within the meaning of said Act (Federal Food, Drugs and Cosmetic Act), 21 U. S. C. 343[403] (d) in that its container is so filled as to be misleading, since two ounces additional sliced strawberries could be packed in each container.' It does not specifically allege any violation of 21 U. S. C. sec. 343[403] (a).

"The amended libel contains these allegations:

3. That the aforesaid article was misbranded when introduced into and while in interstate commerce, within the meaning of said Act, 21 U. S. C. as follows:

343[403] (a) in that the label statement "This One Pound Package Serves 4" is false and misleading as applied to a package containing less than one pound; and

343[403] (d) in that its container is so filled as to be misleading since only 14 ounces of sliced strawberries with sugar is packed in the container and the container is designed to hold, and the firm packs, 16 ounces of sliced strawberries with sugar in the same size package.

"Said section 343[403] of 21 U. S. C. provides as follows:

Sec. 343[403]. *Misbranded food*

A food shall be deemed to be misbranded—

*False or misleading label*

(a) If its labeling is false or misleading in any particular \* \* \*

*Misleading container*

(d) If its container is so made, formed, or filled as to be misleading.

"Claimant's attorney and proctor Laurence E. Bobker, in his affidavit verified December 5, 1949, in support of motion urges that the amended libel was filed and served November 22, 1949, while case was awaiting trial and is untimely; that the original libel charged a violation of only 21 U. S. C. 343[403] (d) while the amended libel charges also a violation of 21 U. S. C. 343[403] (a); that these two charges are inconsistent and cannot be tried together without prejudicing claimant and preventing a fair and impartial trial.



"Both libels allege that said article is liable to seizure and condemnation pursuant to 21 U. S. C. 334 and pray 'that process in due form of law according to the course of this Court in cases of admiralty jurisdiction issue against the aforesaid article \* \* \* that this Court decree (its) condemnation and grant libellant the costs of this proceeding against the claimant \* \* \*.'

"The pertinent provisions of 21 U. S. C. 334 read thus :

(a) Any article of food \* \* \* that is \* \* \* misbranded when introduced or while in interstate commerce \* \* \* shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned \* \* \*

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty \* \* \*.

"Admiralty Rule 21 states the requisites of libel of information. Admiralty Rule 23 provides for amendments and they are freely permitted. The *S. S. Neo Hellis* (C. C. A. 2d), 116 F. 2d 803, 805. Rules of pleading in admiralty do not require all the technical precision required at common law. *W. S. Keyser & Co. v. Jurvelius* (C. C. A. 5th), 122 F. 218, 222 and are treated with liberality. The *Roslyn* (C. C. A. 2d), 93 F. 2d 278, 280.

"Paragraph 3 of the amended libel charges that the 'article was misbranded when introduced into and while in interstate commerce.' 21 U. S. C. 343 [403] defines 'misbranded food' and the amended libel now relies on 2 subdivisions thereof. It is not denied in claimant's answer or in the moving affidavit of claimant's attorney and proctor that the packages were labeled in part as alleged. Claimant in his answer to original libel (Par. III) 'alleges that the packages \* \* \* are not misleading, and are not so filled or packed as to be misleading, and that the above described articles were not, when introduced into interstate commerce, or at any time thereafter, misbranded within the meaning of 21 U. S. C. 343 [403] (d).'

"The amended libel pleads the ultimate fact of 'misbranded food' as defined in 2 subdivisions of said section 343. This is sufficient. *Colonial Sand & Stone Co. v. Muscelli* (C. C. A. 2d), 151 F. 2d 884, 885.

"In *James Richardson & Sons v. Connors Marine Co.* (C. C. A. 2d), 141 F. 2d 226, 228, the Court said :

Since it is now recognized that repetitive verbosity does not make for clarity, refinements of separate statement are not now in favor \* \* \* ; and though a formal requirement of separation is still retained in the admiralty rules, yet it should be construed in a practical way.

"It is not apparent that claimant will be prejudiced in proceeding to trial under the amended libel of information and therefore claimant's motion is denied in all respects."

With respect to the claimant's exceptions to the interrogatories, the following opinion of the court was handed down on January 18, 1950 :

*KNIGHT, District Judge:* "The facts of this case appear in the opinion of this court dated December 23, 1949. Libellant now propounds 27 interrogatories under Rule 33 of Rules of Civil Procedure. Claimant Sunshine Packing Corporation of Pennsylvania excepts to all of them 'generally, on the ground that they are not addressed to any officer of the claimant, a private corporation, competent to testify in its behalf, as required by Rule 33 \* \* \*.' It specifically objects on other grounds to each interrogatory except those numbered 6, 7, and 8. The interrogatories are thus addressed: 'The libellant herein, by their attorneys, submit the following written interrogatories under Rule 33 of the Rules of Civil Procedure for the United States District Courts:' They were served upon the attorneys for claimant. Rule 33, effective March, 1948, provides in part :

Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer thereof competent to testify in its behalf.



"In 2 Moore's Federal Practice, page 2623, it is said :

Under Federal Rule 33, a party may without leave of court serve interrogatories to be answered by an officer of a public or private corporation, partnership or association which is an adverse party. The party serving the interrogatories may designate therein a particular officer whom he desires to answer the interrogatories or may leave it with the adverse party to select an officer to make the answers.

"See also: *Dipson Theatres, Inc. v. Buffalo Theatres, Inc. et al.*, 8 F. R. D. 86 (this court); *United States v. Columbia Steel Co.*, 7 F. R. D. 183; *Kennedy v. Mississippi Valley Barge Line Co.*, 7 F. R. D. 78, cited by claimant does not pass on the question here, and *Holler v. General Motors Corp.*, 3 F. R. D. 296, is a holding against the claimant, and *Hickman v. Taylor*, 329 U. S. 495.

"The exception to the interrogatories 'generally, on the ground that they are not addressed to any officer of the claimant, a private corporation, competent to testify in its behalf' must therefore be overruled.

"The specific exceptions are comprised in four categories.

"(1) Claimant excepts to interrogatories 1, 2, 3, 4, and 5 on the ground they relate to matters irrelevant to issues of the case and not properly the subject of interrogatories and on the further ground they require compilation of data and information not readily known to claimant and 'requiring burdensome compilation of voluminous records.'

"These five interrogatories read thus :

1. Give the date on which the Sunshine Packing Corporation \* \* \* first packed 14 oz. of frozen sliced strawberries with sugar in the type of package involved in this proceeding.

2. On what date and to whom was the first interstate shipment made of the pack described in Interrogatory number 1?

3. Excluding the first shipment, list all subsequent interstate shipments of the type of pack described in Interrogatory number 1, giving names, addresses, and dates of shipment.

4. What variety of strawberries were used in each of the shipments listed by you in answer to Interrogatories numbered 2 and 3?

5. In what locality or area of production were the strawberries listed by you in answer to Interrogatory number 4 grown?

"Claimant's attorney, in his supporting affidavit alleges :

The present case relates to shipment in interstate commerce of specific 400 cases of frozen sliced strawberries to a consignee in Rochester, New York. Interrogatories 1 and 2 seek information as to other shipments. Interrogatories 3, 4, and 5 also seek information as to shipments other than the shipment in suit.

"Such information is irrelevant and 'only matters that are relevant to the particular case can properly be the subject of interrogatories.' *Coca Cola Co. v. Dixi-Cola Laboratories (D. C. D. Md.)*, 30 F. Supp. 275, 278. See also *Dixon v. Phifer (D. C. W. D. S. Ca.)*, 30 F. Supp. 627, 628; *Kingsway Press v. Farrell Pub. Corp. (D. C. S. D. N. Y.)*, 30 F. Supp. 775, 776; *Gutowitz v. Pennsylvania R. Co. (D. C. E. D. Pa.)*, 7 F. R. D. 144, 145.

"Rule 33 as amended provides: 'Interrogatories may relate to any matters which can be inquired into under Rule 26 (b) \* \* \*.' The latter provides: 'Unless otherwise ordered by the court as provided by Rule 30 (b) or (d), the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. \* \* \*.'

"Interrogatories 1 and 2 are allowed.

"Interrogatory 3 should be limited to an answer as to the approximate amount of all interstate shipments of the type of pack described in Interrogatory 1.

"Interrogatories 4 and 5 are disallowed.

"Interrogatories 6, 7, and 8 are not disputed.

"(2) Claimant excepts to interrogatories 9, 10, 11, 12, 13, 14, and 15 on the ground they relate to matters not within or relevant to the issues and to numbers 14 and 15 on further ground they call for expressions of opinion and conclusions by claimant.



"These seven interrogatories read thus:

9. What is the ratio of sliced strawberries to sugar in the goods under seizure?

10. What was the price per pound to you of the strawberries in the product under seizure?

11. What was the price per pound to you of the sugar in the product under seizure?

12. What was the selling price per pound to S. M. Flickinger Company of the goods under seizure?

13. What was the selling price per pound to S. M. Flickinger Company of the 16 ounce size package shipped along with the goods under seizure?

14. Explain in detail your system of coding used in 1948 for frozen sliced strawberries with sugar.

15. Explain in detail the meaning and significance of the following code numbers:

(a) 1081  
BF22

(b) 1081  
BF16

(c) 1081  
BF14

(d) 1081  
BF21

(e) 1007  
BR 2

"Claimant's attorney, in his supporting affidavit, alleges:

Interrogatory 9 seeks information as to the ratio of sliced strawberries to sugar \* \* \*. Since the charge is "slack fill," there is no possible bearing of such information upon the issues involved. In like manner, interrogatories 10, 11, 12, and 13 seek information as to prices of strawberries, sugar, and of the selling price per pound of the goods under seizure and of sixteen ounce size packages of the same merchandise, to a named company. Certainly none of these matters have any bearing or relevancy upon the issues \* \* \*. The same may be said for interrogatories 14 and 15, relating to claimant's "system of coding" and "the meaning and significance" of specified code numbers.

"Interrogatories 9, 12, and 15 are allowed.

"Interrogatories 10, 11, 13, 14 are disallowed.

"(3) Claimant excepts to interrogatories 16, 17, 18, 19, 20, 21, 22, and 23 on the ground they relate to matters not relevant and 'seek expressions of opinion and conclusions of third parties' and of the claimant and further that they 'require undue and burdensome research and compilation.'

"These eight interrogatories read thus:

16. Have you ever conducted a survey, or other determination to ascertain the consumer reaction to the fill of container of the type of goods under seizure?

17. If the answer to Interrogatory number 16 is yes, state the number of persons interviewed.

18. If the answer to Interrogatory number 16 is yes, give the names and addresses of the persons who conducted such survey, study or other determinations.

19. If the answer to Interrogatory number 16 is yes, give the names and addresses of each person interviewed.

20. If the answer to Interrogatory number 16 is yes, state in detail the questions asked of such persons.

21. If the answer to Interrogatory number 16 is yes, state in detail the exact reply made by each person interviewed or attach a copy of the replies made by each person interviewed.

22. Are you now conducting a survey or study or other determinations to ascertain the consumer reactions to the fill of container of the type of goods under seizure?

23. If the answer to Interrogatory number 22 is yes, state in detail—

(a) The number of persons interviewed to date.

(b) The names and addresses of all such persons interviewed to date.

(c) The questions asked of such persons.

(d) The replies made by each person interviewed or attach copies of such replies.

(e) The names and addresses of the persons who conducted or are conducting such survey, study or other determination.



"Since the amended libel of information charges misbranding of food and does not involve 'consumer reactions,' these three interrogatories Nos. 21, 22, and 23 are disallowed. Interrogatories Nos. 16, 17, 18, 19, and 20 are allowed.

"(4) Claimant excepts to interrogatories 24, 25, 26, and 27 on the ground they relate to matters not relevant and further 'require expressions of opinion and conclusions by the claimant.'

"These four interrogatories read thus:

24. Have you ever packed 16 ounces of frozen sliced strawberries with sugar of the type under seizure in the type of package under seizure?

25. If the answer to Interrogatory number 24 is yes, explain in detail your reason for changing to a 14 ounce pack using the same type of container in which you previously packed 16 ounces of strawberries.

26. Is it your contention that under good commercial practice 14 ounces of frozen sliced strawberries with sugar of the same composition as the goods under seizure, is the maximum quantity of product that can be packed into the container which is the subject of this action?

27. Explain in detail your answer to Interrogatory number 26.

"These four interrogatories relate to packing procedure of claimant, which is charged with shipping a misbranded article of food in interstate commerce. In *American S. S. Co. v. Buckeye S. S. Co.*, 1 F. R. D. 773, this court said: 'It is well established that any interrogatory is proper which would be proper if asked the witness on the stand.' p. 775. These interrogatories are proper and give claimant an opportunity to explain and defend its packing procedure."

In accordance with the opinion of January 18, 1950, answers were submitted to the interrogatories. Thereafter, the Government filed a motion for summary judgment, and on October 28, 1950, the court rendered the following decision:

BURKE, *District Judge*: "Motion for summary judgment.

"This case arises under the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. A. 301 et seq. The amended libel charges that the claimant, Sunshine Packing Corporation, shipped in interstate commerce frozen strawberries in packages which were labeled in part

Quick Frozen Sunshine Brand Sliced Strawberries \* \* \* Net Weight  
14 Oz. \* \* \* This One Pound Package Serves 4

and that the product was misbranded within the meaning of Sec. 343 [403] (a) because the label statement 'This One Pound Package Serves 4' is false and misleading as applied to a package containing less than one pound.

"It also charges a violation of Section 343 [403] (d) because only 14 ounces are packed in a container designed to hold 16 ounces. This latter charge is not involved on this motion for summary judgment since the libelant claims, and I agree, that a determination of a violation on the first charge would require a decree of condemnation.

"The claimant has answered. It has not denied the shipment and labeling as alleged. It appears by the package handed up to the court on the argument by the claimant that the front of the label bears the marking 'Net Weight 14 Oz.' On the label on the side of the package appears the notation 'This One Pound Package Serves 4.' The claimant has filed in opposition to the motion the affidavit of its attorney which, so far as related to the matters involved on this motion, contains his conclusion that it is clear that there is no possibility of any one being misled by the label.

"It seems plain to me that the label is ambiguous and liable to mislead a purchaser. A jury could not find otherwise on the evidence, viz., the labeled package itself. If a purchaser read only the front of the label, he would not be misled. If he read only the side of the label, he would certainly be misled. If he read both, he could only be confused. That to me means that the label may mislead or deceive a purchaser and is false and misleading within the language of Section 343 [403] (a). *United States vs. 95 Barrels of Vinegar*, 265 U. S. 438, 442, 443. There is no genuine issue for trial.

"Motion granted."

In accordance with the decision of October 28, 1950, judgment of condemnation was entered on November 7, 1950. Thereafter, upon the basis of a



petition filed by the claimant, the court entered an order on December 21, 1950, directing that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Repackaging of the product to comply with the terms of the decree was completed on or about January 8, 1952.

**19644. Adulteration of frozen strawberries. U. S. v. 5,418 Cans, etc. (F. D. C. Nos. 33148, 33149, 33154, 33386, 33433. Sample Nos. 7343-L, 53052-L to 53061-L, incl., 53063-L, 53065-L, 53067-L, 53068-L, 53320-L, 53343-L, 53345-L, 53346-L, 53348-L, 53350-L to 53353-L, incl.)**

**LIBELS FILED:** May 28 and 29 and June 9 and 26, 1952, Eastern District of Missouri, Eastern District of Arkansas, and Western District of Pennsylvania.

**ALLEGED SHIPMENT:** During the months of April and May 1952, the Hybels Produce Co., acting for the Sunshine Packing Corp. of Pennsylvania, purchased quantities of fresh strawberries at Bald Knob, Ark., and shipped them to West Plains, Mo., consigned to Ben Krohn, who was operating a frozen berry packing plant for the Sunshine Packing Corp. These strawberries were frozen and packed into 30- and 32-pound cans and then were shipped from West Plains, Mo., to St. Louis, Mo.

Also, on or about May 14 and 20, 1952, a quantity of frozen strawberries in 32-pound cans were shipped by Ben Krohn, from West Plains, Mo., to Mammoth Spring, Ark.; and on or about May 26 and 30, 1952, quantities of frozen strawberries were shipped by the Sunshine Packing Corp. of Pennsylvania, from Marionville and St. Louis, Mo., to North East, Pa.

**PRODUCT:** Frozen strawberries. 7,127 30-pound cans and 32-pound cans at St. Louis, Mo.; 4,363 32-pound cans at Mammoth Spring, Ark.; and 1,494 30-pound cans at North East, Pa.

**LABEL, IN PART:** "Sliced Strawberries Sugar Pack \* \* \* Packed By Sunshine Packing Corporation of Pennsylvania North East, Pennsylvania" or "Whole Strawberries Sugar Pack Sunshine Packing Corp., North East, Pennsylvania."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

**DISPOSITION:** On August 22, 1952, upon a motion of the claimant, the Sunshine Packing Corp. of Pennsylvania, the court entered an order directing that each of the libel actions be consolidated for trial in the United States District Court for the Western District of Pennsylvania. On December 1, 1952, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, with respect to a total of 12,064 cans of the product under seizure, 8,246 cans were found to be good and were released, and 3,818 cans were found to be unfit and were destroyed.

## VEGETABLES

**19645. Adulteration of canned asparagus. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 34024. Sample No. 46671-L.)**

**LIBEL FILED:** On or about October 15, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about June 2, 1952, from Milford, Ill.

**PRODUCT:** 21 cases, each containing 6 14-ounce cans, of asparagus at Corpus Christi, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3). the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.) The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1952. Default decree of condemnation and destruction.

**19646. Adulteration and misbranding of canned corn. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 34039. Sample No. 4346-L.)**

**LIBEL FILED:** October 21, 1952, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about August 27, 1952, by the Associated Cannery Corp., from Baltimore, Md.

**PRODUCT:** 10 cases, each containing 6 cans, of corn at Tuscaloosa, Ala.

**LABEL, IN PART:** "Queen Anne Brand Cream Style Golden Sweet Corn Contents 1 Lb. 4 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since each of the cans contained less than 1 pound, 4 ounces.

**DISPOSITION:** November 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to an institution, for use as animal feed.

### **TOMATOES AND TOMATO PRODUCTS**

**19647. Adulteration of canned tomatoes. U. S. v. 408 Cases \* \* \*. (F. D. C. No. 34045. Sample No. 53228-L.)**

**LIBEL FILED:** October 24, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 23, 1952, by the Rich Canning Co., from Normal, Ill.

**PRODUCT:** 408 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

**LABEL, IN PART:** (Can) "Elmdale Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 20, 1952. Default decree of condemnation and destruction.

**19648. Adulteration of tomato paste. U. S. v. 300 Cases, etc. (F. D. C. No. 32450. Sample Nos. 26866-L, 27134-L.)**

**LIBEL FILED:** January 29, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 5, 1951, by L. N. White & Co. (account of B. Dorman & Sons, Inc.), from New York, N. Y.

**PRODUCT:** 1,000 cases, each containing 10 10-pound, 2-ounce cans, of tomato paste at Oakland, Calif.



**LABEL, IN PART:** (Can) "Tomato Paste 1950 Produce of France \* \* \* Packed By: Barbier Dauphin" and "Halisco Concentrated Tomato Paste 1950 Product of France \* \* \* Packed by Union Des Cooperatives."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** June 5, 1952. Default decree of condemnation and destruction.

### NUTS\*

**19649. Adulteration of pecan granules. U. S. v. 1 Carton \* \* \*. (F. D. C. No. 34046. Sample No. 62134-L.)**

**LIBEL FILED:** October 24, 1952, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about September 24, 1952, by Vernon-Pope Pecan Shellers, from Tulsa, Okla.

**PRODUCT:** 1 30-pound carton of pecan granules at Fort Smith, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

**DISPOSITION:** December 8, 1952. Default decree of condemnation and destruction.

**19650. Adulteration of unshelled walnuts. U. S. v. 774 Bags \* \* \*. (F. D. C. No. 33989. Sample No. 48490-L.)**

**LIBEL FILED:** October 7, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 19, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

**PRODUCT:** 774 100-pound bags of unshelled walnuts at St. Paul, Minn.

**LABEL, IN PART:** "Ensign Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 5, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by cracking the walnuts and by segregating the unfit portion, under the supervision of the Federal Security Agency.

The walnuts were cracked and shelled, and the unfit portion, amounting to 1,292 pounds, was denatured for use as oil stock for purposes other than for human consumption. 35,824 pounds, which were found fit for human consumption, were released to the claimant.

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\*See also No. 19613.

<sup>1</sup> (19601) Seizure contested. Contains opinions of the courts.

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<sup>1</sup> (19601). Seizure contested. Contains opinions of the courts.<sup>2</sup> (19635) Permanent injunction issued.<sup>3</sup> (19643) Seizure contested. Contains opinions of the court.



	N. J. No.		N. J. No.
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<sup>1</sup> (19601) Seizure contested. Contains opinions of the courts.

<sup>2</sup> (19635) Permanent injunction issued.

<sup>3</sup> (19643) Seizure contested. Contains opinions of the court.

# THE

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32105

U. S. Department of Health, Education, and Welfare  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19651-19700

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 22, 1953.*

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**BEVERAGES AND BEVERAGE MATERIALS**

**19651. Adulteration of alcoholic eggnog. U. S. v. 56 Cases \* \* \*. (F. D. C. No. 32177. Sample No. 24474-L.)**

**LIBEL FILED:** November 27, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 26, 1950, from Palermo, Italy.

**PRODUCT:** 56 cases, each containing 12 bottles, of alcoholic eggnog at New York, N. Y. Examination showed that the product caused illness.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the article contained a deleterious substance which may have rendered it injurious to health. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1953. The Banfi Products Corp., New York, N. Y., having appeared as claimant and filed an answer and subsequently having withdrawn its claim and answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

**19652. Adulteration of liquid coffee concentrate. U. S. v. 228 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 32644, 33108. Sample Nos. 7513-L, 33226-L.)**

**LIBELS FILED:** On or about February 4 and May 3, 1952, Western District of New York and Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about November 9 and December 11, 1951, from Dubuque, Iowa.

**PRODUCT:** 426 cases, each containing 24 6-ounce bottles, and 1 case, containing 20 6-ounce bottles, of liquid coffee concentrate at Buffalo, N. Y., and Bay City, Mich. Examination showed that the product was undergoing progressive decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 4 and June 2, 1952. Default decrees of condemnation and destruction. On June 5, 1952, the decree against the product at Bay City, Mich., was amended to permit the release of six bottles of the product to the consignee for the purpose of testing and for use as exhibits in a civil case pending between the consignee and the shipper.

**19653. Adulteration of liquid coffee concentrate. U. S. v. 286 cases \* \* \*. (F. D. C. No. 32861. Sample No. 1634-L.)**

**LIBEL FILED:** March 11, 1952, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about October 13, 1951, from Dubuque, Iowa.

**PRODUCT:** 286 cases, each containing 24 6-ounce bottles, of liquid coffee concentrate at Columbus, Ga. Examination showed that the product was undergoing progressive decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 28, 1952. Default decree of condemnation and destruction.



19654. Adulteration of liquid coffee concentrate. U. S. v. 270 Cases \* \* \*.  
(F. D. C. No. 32643. Sample No. 7508-L.)

**LIBEL FILED:** February 4, 1952, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 21, 1951, from Dubuque, Iowa.

**PRODUCT:** 270 cases, each containing 24 6-ounce bottles, of liquid coffee concentrate at Buffalo, N. Y. Examination disclosed that the product was undergoing progressive decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 4, 1952. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

19655. Adulteration of bread. U. S. v. Ramapo Pastries, Inc., and William Meryash. Pleas of guilty. Corporation fined \$300 and individual defendant \$150. Individual's fine remitted. (F. D. C. No. 33838. Sample Nos. 37285-L, 37290-L, 37291-L.)

**INFORMATION FILED:** January 21, 1953, Southern District of New York, against Ramapo Pastries, Inc., Spring Valley, N. Y., and William Meryash, president.

**ALLEGED SHIPMENT:** On or about August 25, 26, and 27, 1952, from the State of New York into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 13, 1953. The defendants having entered pleas of guilty, the court fined the corporation \$300 and the individual defendant \$150 but remitted the fine against the individual defendant.

### FLOUR

19656. Adulteration of flour. U. S. v. Shawnee Milling Co. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 32785. Sample Nos. 31135-L to 31138-L, incl., 31143-L to 31146-L, incl., 31148-L to 31150-L, incl., 34191-L, 34192-L.)

**INFORMATION FILED:** June 3, 1952, Western District of Tennessee, against the Shawnee Milling Co., a corporation, Memphis, Tenn.

**ALLEGED VIOLATION:** Between the approximate dates of February 16 and October 18, 1951, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused a number of bags of flour to be placed in a building that was accessible to rodents and infested with insects, and caused such flour to be exposed to contamination by rodents and insects, which acts resulted in the flour being adulterated.

On or about October 9, 10, 15, and 17, 1951, the defendant caused a number of bags of flour which were adulterated to be introduced and delivered for introduction into interstate commerce.

**LABEL, IN PART:** (Bags) "Golden Puff Flour [or "Golden Crust Self Rising Flour," "Enriched Shawnee's Self Rising Flour Oven Magic," "Shawnee's



Best Self Rising Flour," "Enriched Shawnee's Flour," or "Enriched Shawnee's Flour Phosphated Bleached"] Shawnee Milling Co. Shawnee, Okla."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of beetles, larvae, pupae, beetle and larvae heads, larval cast skins, insect fragments, and insect excreta pellets; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 2, 1952. The corporation having entered a plea of nolo contendere, the court fined it \$2,000.

**19657. Adulteration of flour. U. S. v. 75 Bags \* \* \*. (F. D. C. No. 34791. Sample No. 20678-L.)**

**LIBEL FILED:** March 31, 1953, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about January 30, 1953, from Newton, Kans.

**PRODUCT:** 75 100-pound bags of flour at Sioux City, Iowa, in the possession of the Holdcroft Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 29, 1953. The International Milling Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 200 pounds of the product were found unfit and were denatured for use as animal feed.

### MACARONI AND NOODLE PRODUCTS

**19658. Adulteration of egg noodles and macaroni. U. S. v. 9 Cases, etc. (F. D. C. No. 34567. Sample Nos. 20056-L, 20057-L.)**

**LIBEL FILED:** January 26, 1953, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about March 12 and June 23, 1952, from St. Paul, Minn.

**PRODUCT:** 9 cases, each containing 24 12-ounce packages, of egg noodles, and 3 cases, each containing 24 14-ounce packages, of macaroni at Wisconsin Rapids, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 17, 1953. Default decree of forfeiture and destruction.

**19659. Misbranding of egg noodles. U. S. v. Michigan Macaroni Mfg. Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 32817. Sample Nos. 32989-L to 32991-L, incl., 35976-L, 35977-L.)**

**INFORMATION FILED:** September 19, 1952, Eastern District of Michigan, against the Michigan Macaroni Mfg. Co., a corporation, Detroit, Mich.



**ALLEGED SHIPMENT:** Between the approximate dates of January 11 and 28, 1952, from the State of Michigan into the States of Indiana and Ohio.

**LABEL, IN PART:** "Michigan Pure Egg Noodles."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted by the definition and standard.

**DISPOSITION:** January 15, 1953. The corporation having entered a plea of guilty, the court fined it \$1,000.

### MISCELLANEOUS CEREALS

**19660. Adulteration of rice. U. S. v. 130 Bags \* \* \*. (F. D. C. No. 34699. Sample No. 28663-L.)**

**LIBEL FILED:** February 12, 1953, Southern District of California.

**ALLEGED SHIPMENT:** On or about October 23, 1952, from Houston, Tex.

**PRODUCT:** 130 100-pound bags of rice at Fresno, Calif., in the possession of the Lawrence Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 2, 1953. Paul Lee, Fresno, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the unfit portion from the good and for the disposition of the unfit portion for use as animal feed, under the supervision of the Federal Security Agency. 125 bags of the product were found unfit and were denatured for sale as poultry feed.

**19661. Adulteration of rice. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 34792. Sample No. 55633-L.)**

**LIBEL FILED:** March 30, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 14, 1952, from Memphis, Tenn.

**PRODUCT:** 20 100-pound bags of rice at Erie, Pa., in the possession of the C. A. Curtze Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 7, 1953. Default decree of condemnation. The court ordered that the product be delivered to a county institution, to be used as animal feed.

### DAIRY PRODUCTS

#### BUTTER

**19662. Adulteration of butter. U. S. v. 187 Boxes (11,968 pounds) \* \* \*. (F. D. C. No. 31486-A. Sample No. 23569-L.)**

**LIBEL FILED:** September 25, 1952, Southern District of New York.



**ALLEGED SHIPMENT:** On or about September 5, 1952, by Randolph & Co., from Guthrie Center, Iowa.

**PRODUCT:** 187 64-pound boxes of butter at New York, N. Y. Examination showed that the product contained insect fragments, manure fragments, mites, and a rodent hair fragment.

**LABEL, IN PART:** "Butter Breakstone Bros., Inc., Distributors New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 28, 1953. Randolph & Co. having appeared as claimant and having subsequently withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be sold for use in the manufacture of fats but not for human consumption.

### CHEESE

**19663. Adulteration and misbranding of creamed cottage cheese. U. S. v. Arkansas City Co-Op Milk Association, Inc., and Carl W. Fitzgerald. Pleas of nolo contendere. Each defendant fined \$100 and costs. (F. D. C. No. 33828. Sample Nos. 43931-L to 43934-L, incl.)**

**INFORMATION FILED:** February 10, 1953, District of Kansas, against Arkansas City Co-Op Milk Association, Inc., Arkansas City, Kans., and Carl W. Fitzgerald, manager.

**ALLEGED SHIPMENT:** On or about May 20 and 21, 1952, from the State of Kansas into the State of Oklahoma.

**LABEL, IN PART:** "Meadow Lane Pasteurized Creamed Cottage Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 4 percent of milk fat had been substituted for creamed cottage cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for creamed cottage cheese since it contained less than 4 percent of milk fat.

**DISPOSITION:** February 27, 1953. Pleas of nolo contendere having been entered, the court fined each defendant \$100 and costs.

**19664. Adulteration and misbranding of cheddar cheese. U. S. v. 198 Boxes \* \* \*. (F. D. C. No. 33312. Sample No. 43941-L.)**

**LIBEL FILED:** July 1, 1952, District of Arizona.

**ALLEGED SHIPMENT:** On or about May 23, 1952, by Harlan Dairy Products, Inc., from Eureka, Kans.

**PRODUCT:** 198 boxes, each containing 53 pounds, of cheddar cheese at Phoenix, Ariz.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing excessive moisture and which was deficient in milk fat had been substituted in whole or in part for cheddar cheese.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (g) (1), the article failed to conform to the definition



and standard of identity for pasteurized cheddar cheese since it contained more than 39 percent of moisture and less than 50 percent of milk fat.

**DISPOSITION:** July 14, 1952. M. S. Coursen, trading as Prairie Kist Foods, Dallas, Tex., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for manufacture into legal processed cheese, under the supervision of the Federal Security Agency.

## EGGS

**19665. Adulteration of frozen eggs. U. S. v. 814 Cans \* \* \*. (F. D. C. No. 33001. Sample No. 9666-L.)**

**LIBEL FILED:** April 4, 1952, Northern District of Illinois; amended libel filed November 24, 1952.

**ALLEGED SHIPMENT:** On or about March 3, 1952, by Dick's Produce Co., from Colfax, Iowa.

**PRODUCT:** 814 30-pound cans of frozen eggs at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of added egg whites salvaged by a process which contaminated them with manure and dirt from shells.

**DISPOSITION:** M. R. Hammer, receiver for Dick's Produce Co., appeared as claimant and filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, upon motion of the claimant, an order was entered on October 6, 1952, directing that the Food and Drug Administration furnish to the claimant copies of all reports relating to inspections, examinations, and laboratory and chemical tests made with respect to the product involved in the libel.

On November 24, 1952, an order was entered dismissing the action as to all portions of the product except that bearing code No. 059, and an amended libel was filed against 190 cans of eggs comprising that code. On February 11, 1953, the claimant having consented to the entry of a decree against the 179 cans of the product actually seized under the amended libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion.

As a result of the segregation operations, 151 cans of the product were found to be good and were released to the claimant and 28 cans were found unfit and were destroyed.

**19666. Adulteration of frozen eggs. U. S. v. 426 Cans, etc. (F. D. C. No. 33590. Sample Nos. 49171-L, 49172-L.)**

**LIBEL FILED:** September 10, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about August 13, 1952, by the Pollman Egg Co., from Kansas City, Mo.

**PRODUCT:** 526 30-pound cans of frozen eggs at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of chicken excrement.

**DISPOSITION:** April 21, 1953. Consent decree of condemnation and destruction.



## FISH AND SHELLFISH

19667. Adulteration and misbranding of canned mackerel. U. S. v. 39 Cases \* \* \*. (F. D. C. No. 34454. Sample No. 40307-L.)

**LIBEL FILED:** December 22, 1952, District of Maine.

**ALLEGED SHIPMENT:** On or about October 30, 1952, by Franco-Italian Packing Co., Inc., from Fish Harbor Wharf, Terminal Island, Calif.

**PRODUCT:** 39 cases, each containing 48 cans, of mackerel at Portland, Maine.

**LABEL, IN PART:** (Can) "Sultana Brand Mackerel water and salt added Net Wt. 15 oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horse mackerel (jack mackerel) had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was horse mackerel (jack mackerel); and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

**DISPOSITION:** February 18, 1953. Franco-Italian Packing Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for re-labeling under the supervision of the Federal Security Agency.

19668. Misbranding of salmon snacks (smoked salmon). U. S. v. 4 Cases \* \* \*. (F. D. C. No. 34525. Sample No. 29369-L.)

**LIBEL FILED:** January 5, 1953, District of Colorado.

**ALLEGED SHIPMENT:** On or about December 13, 1952, by the C & B Packing Co., from Edmonds, Wash.

**PRODUCT:** 4 cases, each containing 12 jars, of salmon snacks (smoked salmon) at Colorado Springs, Colo.

**LABEL, IN PART:** "Ocean Queen Salmon Snacks Rich in Vitamins 15 Cents."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since salt was not declared.

**DISPOSITION:** March 4, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for consumption by the inmates.

19669. Adulteration of rock lobster tails. U. S. v. 46 Boxes \* \* \*. (F. D. C. No. 32397. Sample No. 23235-L.)

**LIBEL FILED:** January 3, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 15, 1951, by the Duane Import & Export Corp., from Philadelphia, Pa.

**PRODUCT:** 46 boxes, each containing 20 pounds, of rock lobster tails at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations.



**DISPOSITION:** February 25, 1952. The Duane Import & Export Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of salvaging the good portion under the supervision of the Federal Security Agency. The salvage operations consisted of removing the cellophane wrappers from the product and trimming that portion of the product which was contaminated with the noncertified coal-tar color.

**19670. Adulteration and misbranding of oysters. U. S. v. York River Seafood Co., Cecil S. Mills, and Fred P. Burcher. Pleas of nolo contendere. Fine of \$140 against defendants jointly. (F. D. C. No. 32766. Sample Nos. 3409-L to 3411-L, incl., 3583-L, 3815-L, 3816-L, 4204-L.)**

**INFORMATION FILED:** During June 1952, Eastern District of Virginia, against the York River Seafood Co., a partnership, Seaford, Va., and Cecil S. Mills and Fred P. Burcher, partners in the partnership.

**INTERSTATE SHIPMENT:** On or about October 31, November 1, and December 15, 1951, from the State of Virginia into the States of North Carolina and Maryland.

**LABEL, IN PART:** "Bay Brand \* \* \* Oysters Standards [or "Selects"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects in that in the preparation of the oysters, the total time that the oysters were in contact with water or salt water, after leaving the shucker, was more than 30 minutes; they were not thoroughly drained before packing into the container for shipment; and they were packed with added water.

**DISPOSITION:** February 2, 1953. Pleas of nolo contendere having been entered, the court imposed a fine of \$140 against the defendants jointly.

**19671. Adulteration and misbranding of oysters. U. S. v. Klein's Seafoods, Inc., and Joseph Klein. Pleas of guilty. Fine of \$200 against each defendant. (F. D. C. No. 32714. Sample No. 11233-L.)**

**INFORMATION FILED:** July 25, 1952, Northern District of Ohio, against Klein's Seafoods, Inc., Akron, Ohio, and Joseph Klein, president of the corporation.

**ALLEGED SHIPMENT:** On or about October 15, 1951, while a number of cans of oysters were being held for sale at Klein's Seafoods, Inc., after shipment in interstate commerce, the defendants caused a quantity of the oysters to be removed from a number of the cans, caused water to be added to the oysters so removed, and caused the oysters to be repacked into small cans, which acts resulted in the oysters being adulterated and misbranded.

**LABEL, IN PART:** (Small cans) "Klein's Blue Ribbon Brand Oysters Klein's Seafoods, Inc. Akron, Ohio Contents One Pint."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), added water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and reduce its quality.

Misbranding, Section 403 (g) (1), the article in the small cans failed to conform to the definition and standard of identity for oysters since it was packed with an added substance, namely, added water.



DISPOSITION: October 3, 1952. Pleas of guilty having been entered, the court fined each defendant \$200.

19672. Alleged adulteration and misbranding of oysters. U. S. v. Gloucester Seafood Packing Co., Odell M. Blake, and Marion J. Owens. Pleas of not guilty. Tried to the jury. Verdict of not guilty. (F. D. C. No. 32782. Sample Nos. 67035-K, 67036-K, 3198-L, 3199-L.)

INFORMATION FILED: June 1952, Eastern District of Virginia, against the Gloucester Seafood Packing Co., a partnership, Bena, Va., and Odell M. Blake and Marion J. Owens, partners in the partnership.

ALLEGED SHIPMENT: On or about December 15, 1950, and October 23, 1951, from the State of Virginia into the States of Florida and North Carolina.

LABEL, IN PART: "Duke of Gloucester Brand \* \* \* Oysters Standards [or "Selects"] and "King O'Sea Brand \* \* \* Oysters Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects in that in the preparation of the oysters, the total time that the oysters were in contact with water or salt water, after leaving the shucker, was more than 30 minutes; they were not thoroughly drained before packing into the container for shipment; and they were packed with added water.

DISPOSITION: February 4, 1953. The defendants having entered pleas of not guilty, the case came on for trial before the court and jury. At the conclusion of the testimony, the court issued its instructions to the jury, including an instruction that the jury was to disregard any testimony obtained in the factory that had been introduced in the evidence. A verdict of not guilty was returned by the jury, and the case was dismissed.

19673. Adulteration of oysters. U. S. v. 464 Cans \* \* \*. (F. D. C. No. 34016. Sample No. 39244-L.)

LIBEL FILED: October 13, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 8, 1952, by the Seacoast Oyster Co., Inc., from Baltimore, Md.

PRODUCT: 464 1-pint cans of oysters in 3 barrels at Bellefontaine, Ohio.

LABEL, IN PART: "Oysters Standards \* \* \* Pride of Chesapeake Bay."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 26, 1953. Default decree of destruction.

19674. Adulteration of oysters. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 34560. Sample No. 57725-L.)

LIBEL FILED: January 23, 1953, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 19, 1953, by Travers Bros. Co., from Baltimore, Md.

PRODUCT: 1 barrel containing 109 1-pint cans of oysters at Marietta, Ohio.



LABEL, IN PART: "Travers Bros. Co. Blue Cross Brand Fresh Oysters  
\* \* \* Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 26, 1953. The shipper having advised that it did not intend to reclaim the product, the court entered judgment ordering that the product be delivered to a Federal institution for use as food by the inmates.

19675. Adulteration and misbranding of shrimp cocktail. U. S. v. 93 Cases \* \* \*.  
(F. D. C. No. 33699. Sample No. 13546-L.)

LIBEL FILED: September 15, 1952, District of Utah.

ALLEGED SHIPMENT: On or about March 31, 1952, by the Seaside Fisheries Co., from Long Beach, Calif.

PRODUCT: 93 cases, each containing 24 3½-ounce jars, of shrimp cocktail at Salt Lake City, Utah.

Examination showed that the product consisted of dried shrimp in an excessive amount of tomato sauce.

LABEL, IN PART: (Jar) "La Playa Brand Shrimp Cocktail Catsup, Vinegar and Spices Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato sauce; and, Section 402 (b) (2), a product consisting of dried shrimp in an excessive amount of tomato sauce had been substituted for shrimp cocktail.

Misbranding, Section 403 (a), the designation "Shrimp Cocktail" was false and misleading as applied to a product consisting of dried shrimp in an excessive amount of tomato sauce.

DISPOSITION: January 23, 1953. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### FROZEN FRUIT

19676. Adulteration of frozen cherries. U. S. v. Smeltzer Orchard Co., Inc., and Percy R. Smeltzer. Pleas of nolo contendere. Corporation fined \$750; imposition of sentence against individual suspended and individual placed on probation for 2 years. (F. D. C. No. 33818. Sample No. 49732-L.)

INFORMATION FILED: January 12, 1953, against Smeltzer Orchard Co., Inc., Elberta, Mich., and Percy R. Smeltzer, president.

ALLEGED SHIPMENT: On or about March 11, 1952, from the State of Michigan into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of rotten cherries.

DISPOSITION: January 22, 1953. Pleas of nolo contendere having been entered, the court fined the corporation \$750, suspended the imposition of sentence against the individual defendant, and placed him on probation for 2 years.

**19677. Adulteration of frozen strawberries. U. S. v. Sunshine Packing Corp. of Pennsylvania and Fred L. Rahal. Pleas of nolo contendere. Corporation fined \$500 and costs; individual defendant fined \$250. (F. D. C. No. 33830. Sample Nos. 34819-L, 53352-L, 53353-L.)**

**INFORMATION FILED:** January 19, 1953, Eastern District of Missouri, against the Sunshine Packing Corp. of Pennsylvania, North East, Pa., and Fred L. Rahal, president and treasurer.

**ALLEGED SHIPMENT:** On or about May 26, 1952, from the State of Missouri into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

**DISPOSITION:** March 17, 1953. The defendants having entered pleas of nolo contendere, the court fined the corporation \$500 and costs and the individual defendant \$250.

**19678. Adulteration of frozen strawberries. U. S. v. 419 Cans \* \* \*. (F. D. C. No. 33581. Sample No. 44512-L.)**

**LIBEL FILED:** September 8, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 29, 1952, by M. W. Miller & Co., from Little Rock, Ark.

**PRODUCT:** 419 30-pound cans of frozen strawberries at Somerville, Mass.

**LABEL, IN PART:** "Arkansas Strawberries \* \* \* Packed By Miller Distributing Co. Inc. \* \* \* McRae, Arkansas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

**DISPOSITION:** April 22, 1953. Miller Distributing Co., Inc., Marshfield, Wis., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Food and Drug Administration. 19 30-pound cans of the product were destroyed, and the remainder were released to the claimant.

## VEGETABLES

**19679. Adulteration of canned asparagus. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 34025. Sample No. 46671-L.)**

**LIBEL FILED:** On or about October 17, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about June 2, 1952, from Milford, Ill.

**PRODUCT:** 21 cases, each containing 6 14-ounce cans, of asparagus at Corpus Christi, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1952. Default decree of condemnation and destruction.



**19680. Misbranding of canned asparagus. U. S. v. 84 Cases \* \* \*. (F. D. C. No. 30421. Sample Nos. 1292-L, 1294-L.)**

**LIBEL FILED:** February 7, 1951, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 12, 1950, by the Great Atlantic & Pacific Tea Co., from Oakland, Calif.

**PRODUCT:** 84 cases, each containing 48 1-pound cans of asparagus at Atlanta, Ga. Examination showed that the produce was Grade D asparagus because more than 75 percent of the spears had noticeable fiber development for more than one-third of their length.

**LABEL, IN PART:** (Cans) "Grade A A & P Green-Tipped and White Asparagus Spears Net Wt. 1 Lb."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Grade A" was false and misleading as applied to an article that was not Grade A.

**DISPOSITION:** March 13, 1951. Parrott & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

**19681. Adulteration of dried pinto beans. U. S. v. 74 Sacks \* \* \*. (F. D. C. No. 33981. Sample No. 22609-L.)**

**LIBEL FILED:** October 8, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about May 27, 1952, from Greeley, Colo.

**PRODUCT:** 74 100-pound sacks of dried pinto beans at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1952. Default decree of condemnation and destruction.

**19682. Adulteration of canned okra and tomatoes. U. S. v. 73 Cases \* \* \*. (F. D. C. No. 33877. Sample No. 59018-L.)**

**LIBEL FILED:** September 24, 1952, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about June 9, 1950, from Franklinton, La.

**PRODUCT:** 73 cases, each containing 6 1-pound cans, of okra and tomatoes at Greenville, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 22, 1952. Default decree of condemnation and destruction.

### TOMATOES

**19683. Adulteration of canned tomatoes. U. S. v. Ingalls Canning Co. Plea of nolo contendere. Fine of \$300, plus costs. (F. D. C. No. 33834. Sample No. 44003-L.)**

**INFORMATION FILED:** November 17, 1952, Southern District of Indiana, against the Ingalls Canning Co., Ingalls, Ind.

ALLEGED SHIPMENT: On or about April 14, 1952, from the State of Indiana into the State of Nebraska.

LABEL, IN PART: "Brimfull Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 16, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$300, plus costs.

19684. Adulteration of canned tomatoes. U. S. v. 839 Cases \* \* \*. (F. D. C. No. 34770. Sample No. 55339-L.)

LIBEL FILED: March 20, 1953, Western District of New York.

ALLEGED SHIPMENT: On or about September 1, 1952, by Robbins Bros., from Cambridge, Md.

PRODUCT: 839 cases, each containing 24 1-pound cans, of tomatoes at Hornell, N. Y.

LABEL, IN PART: "Transquaking Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 13, 1953. Default decree of condemnation and destruction.

19685. Adulteration of canned tomatoes. U. S. v. 148 Cases \* \* \*. (F. D. C. No. 33950. Sample No. 41789-L.)

LIBEL FILED: October 24, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 26, 1952, by the Silverbrook Food Corp., from Wilmington, Del.

PRODUCT: 148 cases, each containing 24 1-pound cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Silverbrook Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: May 5, 1953. The Silverbrook Food Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the good portion from the bad, under the supervision of the Department of Health, Education, and Welfare. 17 cases and 6 cans of the product were found unfit and were destroyed.

19686. Misbranding of canned tomatoes. U. S. v. 642 Cases \* \* \*. (F. D. C. No. 34132. Sample No. 39309-L.)

LIBEL FILED: November 20, 1952, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about August 28, 1952, by Meade M. Hinton, from Browns Store, Va.

PRODUCT: 642 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Kinston, N. C.

LABEL, IN PART: "Westover Brand Tomatoes Contents 1 Lb. 3 Ozs."



**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 1 pound and 3 ounces; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes, and the label failed to bear a statement that the product fell below the standard.

Further misbranding (portion of product), Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** February 2, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

## MEAT AND POULTRY

**19687. Adulteration and misbranding of horsemeat. U. S. v. Anthony Pepe (Dubin's Market). Plea of guilty. Defendant fined \$500 and placed on probation for 1 year. (F. D. C. No. 32757. Sample Nos. 5854-L, 5855-L, 5860-L.)**

**INFORMATION FILED:** December 15, 1952, District of Rhode Island, against Anthony Pepe, trading as Dubin's Market, Central Falls, R. I.

**ALLEGED VIOLATION:** On or about August 17 and 24, 1951, while a quantity of horsemeat was being held for sale at Dubin's Market, after shipment in interstate commerce, the defendant caused a quantity of the horsemeat to be displayed in a showcase and sold as beef hamburger, which acts resulted in the article being adulterated and misbranded.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horsemeat had been substituted for beef hamburger, which the article purported and was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, beef hamburger.

**DISPOSITION:** January 6, 1953. The defendant having entered a plea of guilty, the court fined him \$500 and placed him on probation for 1 year.

**19688. Misbranding of horsemeat. U. S. v. Charles C. Kocmond, Robert Klotz, and Matt Klaersch. Pleas of not guilty. Tried to the jury; verdict of guilty. Fine of \$750 and 9 months' imprisonment against each defendant. Judgment affirmed on appeal to court of appeals. Petition for certiorari denied by Supreme Court. (F. D. C. No. 30048. Sample No. 59341-K.)**

**INFORMATION FILED:** July 3, 1951, Northern District of Illinois, against Charles C. Kocmond, Robert Klotz, and Matt Klaersch, partners in the partnership of K & S Dog Food, Oak Park, Ill., and in the partnership of the Metropolitan Distributing Co., Oak Park, Ill.

**ALLEGED VIOLATION:** On or about July 5, 1950, while a number of barrels of horsemeat were being held for sale by the defendants at Oak Park, Ill., after shipment in interstate commerce, the defendants caused a quantity of this



horsemeat to be repacked into barrels and relabeled and sold, which acts resulted in the article being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designations "Chucks," "Shanks," and "Lake Shanks," which appeared on the barrels into which the article was repacked, were false and misleading since the designations represented and suggested that the article was beef, whereas the article was not beef but was horsemeat.

Further misbranding, Section 403 (e) (1), the repacked article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (1), the label of the repacked article failed to bear the common or usual name of the article, namely, horsemeat.

**DISPOSITION:** The defendants having entered pleas of not guilty, the case came on for trial before the court and jury on June 12, 1952. The trial was concluded on June 13, 1952, after which the jury returned a verdict of guilty. On June 24, 1952, the court fined each defendant \$750 and sentenced each to serve 9 months in prison. A motion to set aside the verdict of the jury and for a new trial was made on behalf of the defendants but was denied. An appeal was taken to the United States Court of Appeals for the Seventh Circuit, and on December 23, 1952, the following opinion was handed down by that court:

**LINDLEY, Circuit Judge:** "On July 2, 1951, the United States Attorney filed a criminal information charging that the defendants Charles C. Kocmond, Matt Klaersch and Robert Klotz, doing business as partners under the trade-names 'K & S Dog Food' and 'Metropolitan Distributing Company,' with violation of 21 U. S. C. Sections 331 (k), 343 (a), (e) (1), (i) (1), in that they had sold and delivered horse meat without complying with the labeling requirements of the respective sections of the statute mentioned. A jury trial resulted in a verdict of guilty and judgment imposing a fine upon defendants and committing each of them to the custody of the Attorney General of the United States for a period of nine months. In their appeal defendants contend that they did not misbrand the commodity or otherwise violate the pertinent provisions of the statute.

"The parties stipulated that defendants, between June 22 and June 27, 1950, received substantial quantities of horse meat shipped in barrels in interstate commerce from Jamestown, North Dakota, by the Jamestown Packing Company, consigned to the partnerships in Oak Park, Illinois; that at the time of shipment and delivery and while the meat was held for sale by defendants, the barrels were labeled on their burlap covers: 'Jamestown Packing Company Boneless Horse Meat'; that a green label was attached to the side of each barrel reading 'Domestic Horse Meat or Horse Meat Products,' and that there were stenciled on the side of each in green ink the words 'Horse Meat.'

"This stipulation was supplemented by parol evidence which, in its aspects most favorable to the government, shows that when an inspector for the Food and Drug Administration, in the performance of his official duties, visited defendants at their place of business, he saw them removing the meat from the barrels, labeled as aforesaid, cutting from the meat the federal stamps showing inspection of horse meat and placing the merchandise in other barrels bearing no indication that the contents were horse meat. At the same time, defendants' employee was scraping the words 'horse meat' from the barrels. Five barrels then in defendants' cooler and certain others were, defendants reported, a portion of an order for horse meat received from the Lake County Packing Company of Lake Zurich, Illinois. These containers, when packed and ready for delivery, bore no notice that they contained horse meat, but the words 'chucks' and 'chunks' were placed on them and were the only labels on them when they were taken from defendants' place of business to the purchaser's packing plant. Three witnesses testified that chucks and chunks, in the absence of other explanation, are commonly known as beef.

"At the time when the packing company purchased this meat, its representatives requested of defendants that, before the commodity was delivered,



it be trimmed and repacked. The invoice price of the meat had been paid on the date the inspector first visited defendants' place of business. The next day the packing company picked up the merchandise, repacked in barrels bearing no labels, as we have seen, other than those of 'chucks' and 'chunks,' and took it to its place of business in Lake Zurich. When, shortly later, the inspector visited the packing company plant, he found there ten barrels containing horse meat bearing no labels other than those of 'chucks' and 'chunks,' six of which he identified as part of those he had seen at defendants' plant, and which, they had told him, had been sold to the packing company.

"Section 331 (k) Title 21 U. S. C. forbids 'The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated or misbranded.' It is not disputed that defendants did alter, mutilate and destroy all of the labels on the barrels indicating in any way that the content was horse meat, but, say defendants, they did not violate this section because their acts in this respect did not occur while the articles were held for sale. In other words, they insist that, inasmuch as the merchandise had previously been sold to the Lake County Packing Company and had been paid for, the title to the property had passed to the purchaser so that defendants no longer 'held it for sale.' However, we are not concerned here with the niceties of the mechanics governing the completion of sales of personal property. We are concerned with whether or not defendants, whether they were then the owners of the merchandise or not, did remove the labels while the goods were still held for sale. There is no contention that the packing company purchased the merchandise for its own consumption. It may well be that defendants had transferred their title to the packing company, but they had agreed that, as a part of the contract, they would unpack the barrels, cut off the horse meat inspection stamps and repack the merchandise in unlabeled barrels. Whether it was the packing company's request or the defendants' own suggestion that the labels denoting the true contents should be removed is wholly immaterial. The telling fact is that defendants removed the labels before the goods had reached the ultimate consumer.

"It matters not whether the Lake County Packing Company was defrauded or deceived, for the statutory requirement is that at the time the merchandise reaches the ultimate consumer it shall be so labeled as to indicate its true contents. See *United States v. Sullivan*, 332 U. S. 689, where the court said:

But the language used by Congress broadly and unqualifiedly prohibits misbranding articles held for sale after shipment in interstate commerce, without regard to how long after the shipment the misbranding occurred, how many intrastate sales had intervened, or who had received the articles at the end of the interstate shipment. \* \* \* The words of paragraph (k) "while such article is held for sale after shipment in interstate commerce" apparently were designed \* \* \* to extend the Act's coverage to every article that had gone through interstate commerce until it finally reached the ultimate consumer.

The purpose is to inform and protect the ultimate consumer. *United States v. Dotterweich*, 320 U. S. 277, 283 (1943); *Arner Co. v. United States*, 142 F. 2d 730 (CA-1) (1944), cert. den. 323 U. S. 730 (1944). That Congress had such an intention is shown by H. R. Rep. No. 807, 80th Cong., 1st Sess. pp. 3, 5 (1947), where the committee stated that the purpose was that 'the integrity of the products be preserved, so far as possible, up to the time of purchase by the ultimate consumer.'

"Defendants have urged in their briefs that barrels are not packages within the meaning of Section 343 (e) of the Federal Food, Drug, and Cosmetic Act, but on oral argument their counsel indicated that he had not too much confidence in the soundness of this argument. We think the contention is without merit. The common definition of a package is any container in which goods are packed, such as a box, case, barrel or crate. See Webster's New International Dictionary, 2nd Edition. We find no implication in the Act that the Congress intended to use the word with any connotation other than its commonly accepted meaning. The numerous administrative interpretations of the statute to the same effect are entitled to great weight, inasmuch as they have per-



sisted for years without congressional interference. *Norwegian Nitrogen Co. v. United States*, 288 U. S. 294, 315; *White v. Winchester Country Club*, 315 U. S. 32, 41; *Skidmore v. Swift & Co.*, 323 U. S. 134, 140. So too, in *Strong, Cobb & Co. v. United States*, 103 F. 2d 671, 674 (CA-6), the court held that a drum holding some 17,000 medicinal tablets was, within the statute, a package.

"We think elimination of the labels and permitting the repacked unlabeled barrels to go out containing horse meat were entirely sufficient to sustain the verdict and judgment. However, we are also of the opinion that, under the evidence submitted by the government, placing the words 'chucks' and 'chunks' on the repacked barrels was entirely misleading. The government's evidence is that, unless otherwise limited, the ordinary significance of these words is that they are beef products. After the packing company received actual custody of the barrels, no subsequent consumer purchaser would have any warning that the barrels contained horse meat but would know only that they contained 'chucks' and 'chunks,' which commonly mean beef.

"There is some controversy as to whether defendants removed all the inspection stamps indicating that the contents were horse meat. The defendants insist that they did not remove all such stamps before repacking, but the evidence of the government is to the effect that defendants were seen removing the stamps from every piece of meat upon which they appeared. Bearing in mind that we must accept the evidence in its phases most favorable to the government, we can not say that the jury was not justified in believing that all such informative stamps were being removed. *United States v. Monarch Distributing Co.*, 116 F. 2d 11, 13 (CA-7), cert. den, 312 U. S. 695.

"Defendants seem to insist that they acted in good faith and did not deceive their purchaser. Such a contention, of course, is beside the point, for the purpose of the statute is to prohibit commerce in misbranded articles. The good intent of the one who misbrands is of no avail. Every person responsible for the commission of the prohibited acts is guilty of the offense defined, irrespective of his intent. *United States v. Dotterweich*, 320 U. S. 277; *United States v. Parfait Powder Puff Co.*, 163 F. 2d 1008 (CA-7), cert. den. 332 U. S. 851; *United States v. Greenbaum*, 138 F. 2d 437 (CA-3).

"Inasmuch as the sentence of the court was within the limits prescribed by the law, in the absence of procedural error, the judgment must be and is affirmed."

A petition for rehearing was filed with the Court of Appeals for the Seventh Circuit and was denied on January 9, 1953. The defendants then filed a petition for a writ of certiorari with the United States Supreme Court, and this petition was denied on April 6, 1953.

**19689. Adulteration of dressed poultry. U. S. v. Lee-Al Poultry. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 33840. Sample No. 26330-L.)**

**INFORMATION FILED:** December 23, 1952, Eastern District of Pennsylvania, against Lee-Al Poultry, a partnership, Philadelphia, Pa.

**ALLEGED SHIPMENT:** On or about July 11, 1952, from the State of Pennsylvania into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of rotten poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

**DISPOSITION:** May 20, 1953. A plea of nolo contendere having been entered, the court fined the defendant \$500.

**19690. Adulteration of dressed poultry. U. S. v. Spaulding & Sons, Inc. Plea of guilty. Fine, \$300. (F. D. C. No. 32803. Sample Nos. 24367-L, 24375-L.)**

**INFORMATION FILED:** November 20, 1952, District of Massachusetts, against Spaulding & Sons, Inc., Billerica, Mass.

**ALLEGED SHIPMENT:** On or about August 9 and 23, 1951, from the State of Massachusetts into the State of New York.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

**DISPOSITION:** March 16, 1953. The defendant having entered a plea of guilty, the court fined it \$300.

**19691. Adulteration of dressed poultry. U. S. v. 512 Pounds \* \* \*. (F. D. C. No. 33937. Sample No. 49526-L.)**

**LIBEL FILED:** October 20, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 6, 1952, by the B & B Poultry Co., from Norma, N. J.

**PRODUCT:** 512 pounds of dressed poultry at New York, N. Y.

**LABEL, IN PART:** "B & B Poultry Co. Norma, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** December 17, 1952. Default decree of condemnation and destruction.

**19692. Adulteration of dressed poultry. U. S. v. 5 Crates, etc. (F. D. C. No. 33869. Sample Nos. 44733-L, 44734-L.)**

**LIBEL FILED:** September 17, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 3 and 4, 1952, by New Hampshire Poultry Co., Inc., from Manchester, N. H.

**PRODUCT:** 6 crates of dressed poultry, each crate containing from 22 to 27 birds, at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter.

**DISPOSITION:** September 25, 1952. Consent decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19693. Adulteration of hot cherry peppers. U. S. v. 11 Cases \* \* \*. Tried to the court. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 32152. Sample No. 23764-L.)**

**LIBEL FILED:** November 19, 1951, District of Connecticut.

**ALLEGED SHIPMENT:** On or about August 16, 1951, by G. Capaldi & Son, Inc., from Watertown, Mass.

**PRODUCT:** 11 cases, each containing 12 1-quart jars, of hot cherry peppers at New Britain, Conn.

**LABEL, IN PART:** (Jar) "Naples Brand \* \* \* Hot Cherry Peppers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** G. Capaldi & Son, Inc., appeared as claimant and filed an answer denying that the product was adulterated. Thereafter, a set of interrogatories was filed by the Government on November 20, 1952, with the request that they

be answered by the claimant. Answers to the interrogatories were filed, and on January 9, 1953, the case came on for trial before the court without a jury. At the conclusion of the trial, the case was taken under advisement by the court, and on January 22, 1953, the court handed down its findings of fact and conclusions of law in favor of the Government. On February 3, 1953, the court entered a decree of condemnation and ordered that the product be destroyed.

**19694. Adulteration of chili peppers. U. S. v. 86 Bags \* \* \*. (F. D. C. No. 31885. Sample No. 27652-L.)**

**LIBEL FILED:** October 11, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 11, 1951, from New York, N. Y.

**PRODUCT:** 86 74-pound bags of chili peppers at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 14, 1951. B. C. Ireland, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Salvage operations were unsuccessful, and the product was destroyed.

**19695. Adulteration of chilies. U. S. v. 35 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 33541, 33551. Sample Nos. 36876-L to 36879-L, incl.)**

**LIBELS FILED:** August 26 and 27, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** At a time prior to August 26, 1952, from Nigeria.

**PRODUCT:** Chilies. 120 bags, each containing 60 pounds, and 35 bags, each containing 100 pounds, at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 29, 1952. The libels having been consolidated, B. H. Old & Co., Inc., New York, N. Y., appeared as claimant and consented to the entry of a decree. Judgment of condemnation was entered, and the court ordered that the product be released under bond for salvaging. Of the 8,715 pounds which were seized, 8,000 pounds were salvaged and 715 pounds were destroyed.

**19696. Adulteration and misbranding of lemon oil. U. S. v. Torre Products Co., Inc., and Salvatore Torregrossa and Patsy Torregrossa. Pleas of guilty. Fine of \$500 against corporation and fine of \$250 against each individual defendant. (F. D. C. No. 31285. Sample No. 24497-L.)**

**INFORMATION FILED:** November 19, 1952, Southern District of New York, against Torre Products Co., Inc., New York, N. Y., and Salvatore Torregrossa and Patsy Torregrossa, president and treasurer, respectively, of the corporation.

**ALLEGED VIOLATION:** Between the approximate dates of August 25, 1950, and January 11, 1951, the defendants gave to a firm engaged in the business of shipping food in interstate commerce a guaranty to the effect that the lemon oil



delivered by the defendants under the guaranty was not adulterated or misbranded.

Between August 25, 1950, and January 11, 1951, the defendants caused to be sold and delivered to the holder of the guaranty, in Brooklyn, N. Y., a quantity of lemon oil that was adulterated and misbranded.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance other than lemon oil, as defined in the United States Pharmacopoeia, had been substituted for lemon oil U. S. P.

Misbranding, Section 403 (a), the label statement "Oil Lemon U. S. P." was false and misleading since it represented that the article was lemon oil as defined in the United States Pharmacopoeia, whereas the article was not lemon oil U. S. P.

**DISPOSITION:** March 9, 1953. Pleas of guilty having been entered, the court fined the corporation \$500 and each individual defendant \$250.

19697. Adulteration and misbranding of lemon oil. U. S. v. 2 Boxes \* \* \*.  
(F. D. C. No. 34767. Sample Nos. 48658-L, 48659-L.)

**LIBEL FILED:** March 19, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 7 and 27, 1950, by George Lueders & Co., from New York, N. Y.

**PRODUCT:** 2 boxes, each containing 1 tin, of lemon oil at Des Moines, Iowa.

**LABEL, IN PART:** "Net 25 Lbs. From Italy Posa Piano \* \* \* Selected Genuine Lemon Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an oil other than lemon oil had been substituted for lemon oil, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Selected Genuine Lemon Oil" was false and misleading as applied to an article consisting of an oil other than lemon oil.

**DISPOSITION:** April 15, 1953. Default decree of condemnation and destruction.

19698. Adulteration and misbranding of french dressing. U. S. v. Etta Murle Van Buren (Gables Famous French Dressing Co.). Plea of guilty. Fine of \$200 and costs. (F. D. C. No. 33801. Sample Nos. 16370-L, 16578-L, 16580-L to 16582-L, incl.)

**INFORMATION FILED:** November 5, 1952, District of Kansas, against Etta Murle Van Buren, trading as the Gables Famous French Dressing Co., Hutchinson, Kans.

**ALLEGED SHIPMENT:** Between the approximate dates of January 18, 1951, and February 1, 1952, from the State of Kansas into the States of Oklahoma and Missouri.

**LABEL, IN PART:** "The Gables Famous French Dressing" or "The Gables Famous All Purpose French Dressing."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted; and, Section 402 (b) (2), a product containing less than 35 percent by weight of vegetable oil had been substituted for french dressing.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for french dressing since it contained less than 35 percent by weight of vegetable oil.



DISPOSITION: January 8, 1953. The defendant having entered a plea of guilty, the court fined her \$200 and costs.

## MISCELLANEOUS FOODS

19699. Adulteration and misbranding of coal-tar colors and lemon filling. U. S. v. Natural Products Co., a corporation, and Michael D. Kaknes. Plea of guilty for corporation; fine, \$100. Plea of nolo contendere by Michael D. Kaknes; fine, \$10. (F. D. C. No. 31551. Sample Nos. 4912-L, 4916-L, 5008-L, 5009-L, 5233-L, 5239-L, 5246-L, 5247-L.)

INFORMATION FILED: December 13, 1951, District of Massachusetts, against the Natural Products Co., a corporation, Boston, Mass., and Michael D. Kaknes, treasurer.

ALLEGED SHIPMENT: Between the approximate dates of September 14 and December 22, 1950, from the State of Massachusetts into the States of New Hampshire and Maine.

LABEL, IN PART: "Natural Brand Butter Color [or "Egg Yolk Color Powder," "Red Paste Color," "Blue Liquid Color," or "Rose Pink Liquid Color"]" and "Green Paste Color," "Orange Shade Liquid Color," and "Natural Brand Powdered Lemon Filling."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the powdered lemon filling consisted in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. Further adulteration, Section 402 (c), the remaining products contained coal-tar colors other than coal-tar colors from batches that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the statement "Certified by Food and Drug Administration" borne on the labels of the green, orange shade, red, blue, and rose pink colors was false and misleading since the colors had not been certified by the Food and Drug Administration; and, Section 403 (i) (2), the butter color, the egg yolk color, and the orange shade, red, blue, and rose pink colors, and the powdered lemon filling were fabricated from two or more ingredients, and the labels failed to bear the common or usual name of each such ingredient. Further misbranding, Section 403 (k), the powdered lemon filling contained artificial coloring, and the labeling failed to state that fact; and the blue and rose pink colors contained chemical preservatives and failed to bear labeling stating that fact.

DISPOSITION: October 7, 1952. A plea of guilty having been entered on behalf of the corporation and a plea of nolo contendere having been entered by Michael D. Kaknes, the court imposed a fine of \$100 against the former and a fine of \$10 against the latter.

19700. Misbranding of potato preservative. U. S. v. 9 $\frac{1}{3}$  Cases \* \* \*. (F. D. C. No. 34547. Sample No. 18654-L.)

LIBEL FILED: January 15, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about December 22, 1952, by Wason Bros. Co., Inc., from Seattle, Wash.

PRODUCT: 9 $\frac{1}{3}$  cases, each full case containing 12 1-quart bottles, of a potato preservative at Los Angeles, Calif. Examination showed that the product contained sodium bisulfite and water.



**LABEL, IN PART:** "Mello-X \* \* \* 'Tato-Gard'."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** February 2, 1953. Default decree of condemnation and destruction.

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<sup>1</sup> (19693) Seizure contested.

<sup>2</sup> (19672) Prosecution contested.

<sup>3</sup> (19688) Prosecution contested. Contains opinion of the court.

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<sup>1</sup> (19693) Seizure contested.<sup>2</sup> (19672) Prosecution contested.<sup>3</sup> (19688) Prosecution contested. Contains opinion of the court.



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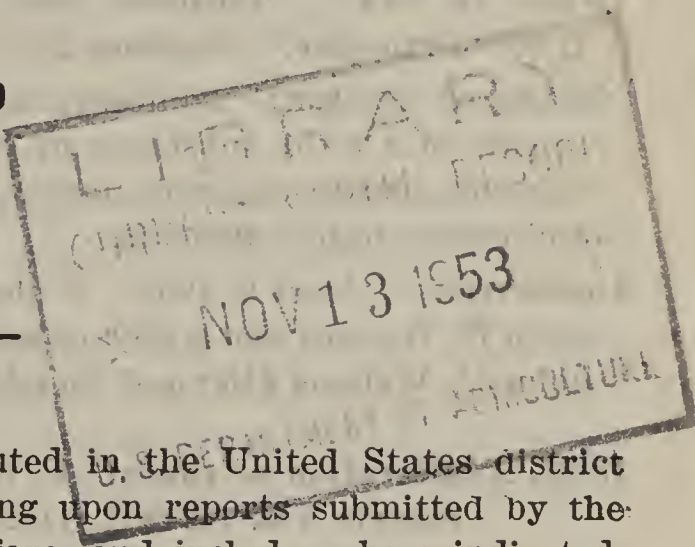
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19701-19750

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*  
WASHINGTON, D. C., October 26, 1953.

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## CANDY

19701. Alleged adulteration of candy. U. S. v. John H. Wellons (Wellons Candy Co. and Supreme Candy Co.), and Calvin G. Wellons. Plea of nolo contendere by John H. Wellons; fine, \$150. Plea of not guilty by Calvin G. Wellons; verdict of not guilty. (F. D. C. No. 33842. Sample Nos. 3550-L, 39291-L, 39292-L.)

INFORMATION FILED: December 19, 1952, Eastern District of North Carolina, against John H. Wellons, trading under the firm names of the Wellons Candy Co. and the Supreme Candy Co., and Calvin G. Wellons, general manager.

ALLEGED SHIPMENT: On or about July 25 and August 8, 1952, from the State of North Carolina into the State of Virginia.

LABEL, IN PART: "Rainbow Bar," "Cabbage Bar," "Choo Choo Bar," "Jazz Bar," "Pixie Bar," "Supreme Nut Tic Tic Tic Roll," and "Wellons Nut Roll."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, larval head capsules, insect fragments, larvae, larval cast skins, mites, aphids, rodent hairs, and rodent hair fragments.

DISPOSITION: April 9, 1953. A plea of nolo contendere having been entered by John H. Wellons and a plea of not guilty by Calvin G. Wellons, the court fined John H. Wellons \$150 and found Calvin G. Wellons not guilty.

19702. Adulteration of candy. U. S. v. 2,226 Boxes \* \* \*. (F. D. C. No. 32867. Sample Nos. 11748-L, 11928-L, 11929-L.)

LIBEL FILED: March 11, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 27, 1951, and January 16, 1952, by Luden's, Inc., from Reading, Pa.

PRODUCT: 2,080 boxes, each containing 24 candy bars, 99 boxes, each containing 120 candy bars, and 47 boxes, each containing 100 candy bars, at Cincinnati, Ohio.

LABEL, IN PART: "Luden's Chocolate Covered Mellomint Pattie Net Wt. 1¼ Oz." and "Almond Royal Milk Chocolate Net Wt. 1½ Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 16, 1952. Default decree of condemnation and destruction.

19703. Adulteration and misbranding of candy. U. S. v. 232 Boxes \* \* \*. (F. D. C. No. 32957. Sample No. 33699-L.)

LIBEL FILED: March 20, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 10, 1952, by Dagmar Candy Mfg. Co., Inc., from Newark, N. J.

PRODUCT: 232 boxes of candy at Chicago, Ill.

LABEL, IN PART: (Box) "The Original Whistle-Pop Net Weight 4½ Ounces 10 Delicious Lollypops that Whistle."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent



hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the article was in package form, and its label failed to bear an accurate statement of the quantity of the contents since the label statement "Net Weight 4½ Ounces" was inaccurate. (The product was short of the declared weight.)

DISPOSITION: June 17, 1952. Default decree of condemnation and destruction. On June 19, 1952, an amended decree was entered ordering that a sample of the article be delivered to the Food and Drug Administration and that the remainder be destroyed.

19704. Adulteration of candy. U. S. v. 9 Cartons \* \* \*. (F. D. C. No. 34603. Sample No. 41728-L.)

LIBEL FILED: January 19, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 11, 1952, by the Akron Candy Co., from Bellevue, Ohio.

PRODUCT: 9 cartons, each containing 28 bars, of candy at Philadelphia, Pa.

LABEL, IN PART: (Tag attached to pliofilm bag) "Lady Margaret Net Wt. 15 Oz. Caramel Nut Fudge Roll."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 9, 1953. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

19705. Adulteration of fruitcake. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 33702. Sample No. 46373-L.)

LIBEL FILED: September 16, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 21, 1952, the Tasso Plantation Foods, Arabi, La., delivered the product to New Orleans, La., for shipment to the Panama Canal Zone.

PRODUCT: 11 cases, each containing 24 1-pound cans, of fruitcake at New Orleans, La.

LABEL, IN PART: (Can) "Old New Orleans Fruit Cake."

NATURE OF CHARGE: Adulteration Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 21, 1952. Default decree of condemnation and destruction.

### FLOUR \*

19706. Adulteration of flour. U. S. v. 70 Bags, etc. (F. D. C. No. 34736. Sample Nos. 64841-L, 64842-L.)

LIBEL FILED: March 3, 1953, Southern District of Iowa.

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\*See also No. 19738.

ALLEGED SHIPMENT: On or about October 13 and December 3, 1952, from Wichita, Kans., and Crete, Nebr.

PRODUCT: 110 50-pound bags of flour at Iowa City, Iowa, in possession of John Nash Grocery Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 11, 1953. John Nash Grocery Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare.

The reconditioning operations consisted of segregating and denaturing the unfit portion for use as animal feed. 86 50-pound bags of the product were found unfit.

19707. Adulteration of flour. U. S. v. 48 Sacks \* \* \*. (F. D. C. No. 33956. Sample No. 49462-L.)

LIBEL FILED: On or about October 29, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about May 16, 1952, from Minneapolis, Minn.

PRODUCT: 48 100-pound sacks of flour at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 21, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for use as animal feed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS \*

19708. Adulteration of rice. U. S. v. 4 Bags, etc. (F. D. C. No. 33485. Sample Nos. 65258-L, 65259-L.)

LIBEL FILED: July 23, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about November 7, 1951, from Stuttgart, Ark.

PRODUCT: 15 100-pound bags of rice at Duluth, Minn., in possession of Omaha Dock Number A.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 12, 1952. A default decree was entered ordering that the product be denatured for use as animal feed or be destroyed.

19709. Adulteration of wheat. U. S. v. 85,230 Pounds \* \* \*. (F. D. C. No. 33426. Sample No. 49002-L.)

LIBEL FILED: June 26, 1952, District of Minnesota.

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\*See also No. 19739.



**ALLEGED SHIPMENT:** On or about May 26, 1952, by the Farmers Union Grain Terminal Association from Flaxville, Mont.

**PRODUCT:** 85,230 pounds of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 18, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring under the supervision of the Federal Security Agency.

The product was reconditioned, and 2,170 pounds of scourings and broken kernels were eliminated and destroyed.

**19710. Adulteration of wheat bran and rye meal. U. S. v. 12 Bags, etc. (F. D. C. No. 34124. Sample Nos. 44742-L, 44743-L.)**

**LIBEL FILED:** November 10, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 29, 1952, from Winona, Minn.

**PRODUCT:** 12 100-pound bags of wheat bran and 40 100-pound bags of rye meal at Lawrence, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 16, 1953. Default decree of condemnation and destruction.

## DAIRY PRODUCTS

### BUTTER

**19711. Adulteration of butter and misbranding of Colby cheese. U. S. v. Fort Dodge Creamery Co. Plea of guilty. Fine of \$450, plus costs. (F. D. C. No. 33823. Sample Nos. 33723-L, 35630-L, 48317-L.)**

**INFORMATION FILED:** January 14, 1953, Northern District of Iowa, against the Fort Dodge Creamery Co., a corporation, Fort Dodge, Iowa.

**ALLEGED VIOLATION:** On or about March 14, 1941, the defendant gave to a firm engaged in the business of shipping cheese, in interstate commerce, at Lotts Creek, Iowa, a guaranty to the effect that all food products shipped by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about February 20 and March 28, 1952, the defendant shipped a number of boxes of misbranded Colby cheese to the holder of the guaranty, at Lotts Creek, Iowa. In addition, on or about May 10, 1952, the defendant shipped from Fort Dodge, Iowa, to Chicago, Ill., a number of boxes of adulterated butter.

**NATURE OF CHARGE:** Butter. Adulteration, Section 402 (b) (1), a valuable constituent of the product, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.



Colby cheese. Misbranding (one lot), Section 403 (a), the label statement "Made From Pasteurized Milk" borne on the product was false and misleading since the product was not made from pasteurized milk; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Colby cheese since the milk used in its manufacture had not been pasteurized and the cheese had not been cured at a temperature of not less than 35 degrees F. for a period of not less than 60 days. Further misbranding (remaining lot), Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture.

**DISPOSITION:** March 30, 1953. The defendant having entered a plea of guilty, the court fined the corporation \$450, together with costs.

### CHEESE \*

**19712. Adulteration of cheddar cheese. U. S. v. Frank Baker (Dairy Belt Cheese Co.).** Plea of nolo contendere. Fine, \$300. (F. D. C. No. 33826. Sample No. 53126-L.)

**INFORMATION FILED:** March 6, 1953, Eastern District of Missouri, against Frank Baker, trading as the Dairy Belt Cheese Co., Moberly, Mo.

**ALLEGED VIOLATION:** On or about June 20, 1951, the defendant gave to a firm engaged in the business of shipping cheese, in interstate commerce, a guaranty to the effect that all cheese delivered by the defendant under the guaranty would be neither adulterated nor misbranded.

On or about June 6, 1952, the defendant caused to be shipped to the holder of the guaranty, at Springfield, Mo., a quantity of cheese that was adulterated.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, manure fragments, cow hairs, feather barbules, rodent hair fragments, fly setae, thrips, and aphids, and by reason of the use of filth-contaminated milk in the preparation of the product.

**DISPOSITION:** March 13, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$300.

**19713. Misbranding of cheddar cheese and washed curd cheese. U. S. v. Fisher Cheese Co. and Fred W. Fisher.** Pleas of nolo contendere. Each defendant fined \$300; sentence suspended against individual defendant. (F. D. C. No. 33851. Sample Nos. 24941-L, 24942-L, 49008-L.)

**INFORMATION FILED:** February 24, 1953, Northern District of Ohio, against the Fisher Cheese Co., a corporation, Wapakoneta, Ohio, and Fred W. Fisher, secretary.

**ALLEGED SHIPMENT:** On or about June 3 and July 16, 1952, from the State of Ohio into the States of Pennsylvania and Minnesota.

**LABEL, IN PART:** (Boxes) "Cheddar Cheese \* \* \* Koneta Kured Brown Rind"; (labels) "Koneta Kured Natural Cheddar Cheese Distributed By Koneta Foods Company Wapakoneta, Ohio"; (boxes) "Midget Cheese Koneta Kured Brown Rind Cheddar Cheese" and "Washed Curd Cheese State Brand Natural Cheese."

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\*See also No. 19711.



**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), (cheddar cheese) the product failed to conform to the definition and standard of identity for cheddar cheese since the product contained in its solids less than 50 percent of milk fat, and (washed curd cheese) the product failed to conform to the definition and standard of identity for washed curd cheese since the product contained more than 42 percent of moisture and its solids contained less than 50 percent of milk fat.

**DISPOSITION:** March 13, 1953. The defendants having entered pleas of nolo contendere, the court fined each \$300. The sentence against the individual defendant was suspended.

19714. Adulteration and misbranding of process cheese. U. S. v. Todd Cheese Products, Inc., and John S. Todd. Pleas of guilty. Each defendant fined \$60 and costs. (F. D. C. No. 34307. Sample Nos. 16423-L, 34145-L, 34238-L.)

**INFORMATION FILED:** February 20, 1953, District of Kansas, against Todd Cheese Products, Inc., Girard, Kans., and John S. Todd, president and treasurer.

**ALLEGED SHIPMENT:** On or about January 11, 1952, from the State of Kansas into the State of Missouri.

**LABEL, IN PART:** "Jayhawk Brand Pasteurized Process Cheese American" or "Spring River Brand Pasteurized Process American Cheese Distributed by Carthage Creamery Co. Carthage, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, soil, sand, metal particles, plant and cloth fibers, and wood splinters; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), a product containing more than 40 percent of moisture and containing in its solids less than 50 percent milk fat had been substituted for pasteurized process American cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

**DISPOSITION:** April 13, 1953. The defendants having entered pleas of guilty, the court fined each defendant \$60, together with costs.

## FISH AND SHELLFISH

19715. Adulteration of frozen fish. U. S. v. 3,143 Pounds \* \* \*. (F. D. C. No. 34083. Sample No. 23263-L.)

**LIBEL FILED:** On or about October 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 26, 1952, from City Fish Market, Panama City, Fla.

**PRODUCT:** 3,143 pounds of frozen fish at New York, N. Y.

**LABEL, IN PART:** "Blue Runners."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** January 12, 1953. Default decree of condemnation and destruction.



19716. Adulteration of frozen halibut fillets and frozen ocean perch fillets. U. S. v. Yaquina Bay Fish Co. Plea of guilty. Fine, \$300. (F. D. C. No. 33817. Sample Nos. 28365-L, 30357-L, 30365-L.)

INFORMATION FILED: March 4, 1953, District of Oregon, against the Yaquina Bay Fish Co., a corporation, Newport, Oreg.

ALLEGED SHIPMENT: On or about July 11 and October 8, 1951, from the State of Oregon into the States of Washington and California.

LABEL, IN PART: "Ocean Beauty Brand Skinless Halibut [or "Ocean Perch"] Fillets Distributed by Ocean Beauty Sales Co. Sacramento, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed fish.

DISPOSITION: March 5, 1953. The defendant having entered a plea of guilty, the court fined it \$300.

19717. Adulteration of frozen ocean perch fillets. U. S. v. 192 Boxes \* \* \*. (F. D. C. No. 34151. Sample No. 44524-L.)

LIBEL FILED: On or about November 29, 1952, Western District of Virginia.

ALLEGED SHIPMENT: On or about November 7, 1952, by Gloucester Fishing Co., Inc., from Gloucester, Mass.

PRODUCT: 192 boxes, each containing 10 pounds, of frozen ocean perch fillets at Danville, Va.

LABEL, IN PART: "Cello Ocean Perch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 2, 1953. Default decree of condemnation and destruction.

19718. Adulteration of frozen whitefish. U. S. v. 960 Pounds \* \* \*. (F. D. C. No. 34134. Sample Nos. 33185-L, 33189-L.)

LIBEL FILED: November 18, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 6 and 8, 1952, by Mitchell Bros., from Sault Sainte Marie, Mich.

PRODUCT: 960 pounds of frozen whitefish at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: January 8, 1953. Default decree of condemnation and destruction.

19719. Adulteration of frozen oysters. U. S. v. 191 Cases \* \* \*. (F. D. C. No. 34550. Sample Nos. 7834-L, 7837-L.)

LIBEL FILED: January 15, 1953, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 21, 1952, by Carol Dryden & Co., Inc., from Crisfield, Md.

PRODUCT: 191 cases, each containing 12 14-ounce cans, of frozen oysters at Pittsburgh, Pa.

LABEL, IN PART: "Oysters Selects \* \* \* Pride of the Chesapeake Frozen."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters.

**DISPOSITION:** February 9, 1953. Default decree of condemnation and destruction.

**19720. Adulteration of oysters. U. S. v. 344 Cans \* \* \*. (F. D. C. No. 34472. Sample No. 57716-L.)**

**LIBEL FILED:** January 2, 1953, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about December 29, 1952, by Seacoast Oyster Co., Inc., from Baltimore, Md.

**PRODUCT:** 344 1-pint cans of oysters at Parkersburg, W. Va.

**LABEL, IN PART:** (Can) "Oysters Standards \* \* \* Pride of Chesapeake Bay."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** January 21, 1953. Default decree of condemnation and destruction.

**19721. Adulteration of frozen shrimp. U. S. v. 43 Cases \* \* \*. (F. D. C. No. 34105. Sample No. 2249-L.)**

**LIBEL FILED:** November 6, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 26, 1952, by Brunswick Quick Freezer, from Brunswick, Ga.

**PRODUCT:** 43 cases, each containing 24 12-ounce packages, of frozen shrimp at Jacksonville, Fla.

**LABEL, IN PART:** "Georgia Golden Shore Shrimp Fish Bait \* \* \* Edible Cooking Instructions on Back."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 15, 1953. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19722. Adulteration of canned compote. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 34153. Sample No. 36890-L.)**

**LIBEL FILED:** November 21, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 30 and October 2, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 21 cases, each containing 24 1-pound cans, of compote at Linden, N. J.

**LABEL, IN PART:** "Lord-Mott's Breakfast Fruits."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its strong metallic odor and taste, rendering it unpalatable.

**DISPOSITION:** February 9, 1953. Default decree of condemnation and destruction.

19723. Misbranding of canned pears. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 34142. Sample No. 40910-L.)

LIBEL FILED: November 18, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about October 4, 1952, by the Apple Growers Association, from Hood River, Oreg.

PRODUCT: 25 cases, each containing 24 1-pound, 13-ounce cans, of pears at Hackensack, N. J.

LABEL, IN PART: "Silver Grille Brand Hood River \* \* \* Bartlett Pear Halves in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since all the units were not untrimmed, or were so trimmed as not to preserve their normal shape, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

### DRIED FRUIT \*

19724. Adulteration of dried pears and dried apricots. U. S. v. 29 Cases, etc. (F. D. C. No. 33007. Sample Nos. 7534-L to 7537-L, incl.)

LIBEL FILED: April 7, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about February 7, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 29 25-pound cases of dried pears and 59 25-pound cases and 5 30-pound cases of dried apricots at Buffalo, N. Y.

LABEL, IN PART: "Ensign Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, insects, and insect parts; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 20, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The products were sorted, with the result that ½ pound of dried pears and 388½ pounds of dried apricots were found unfit.

### JAMS, JELLIES, AND PRESERVES

19725. Misbranding of fruit spread. U. S. v. 170 Cases, etc. (F. D. C. No. 32974. Sample Nos. 13026-L to 13030-L, incl.)

LIBEL FILED: March 28, 1952, District of New Mexico.

ALLEGED SHIPMENT: On or about January 3, 1952, by Leverton & Co., from Houston, Tex.

PRODUCT: 346 cases, each containing 24 12-ounce jars, of fruit spread at Albuquerque, N. Mex.

LABEL, IN PART: (Jar) "Purefruit Brand \* \* \* Strawberry [or "Blackberry," "Apricot," "Pin-Cot," or "Peach"] Fruit Spread."

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\*See also Nos. 19739, 19740.



**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products purported to be fruit jams, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to such definitions and standards of identity since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredients (strawberry, blackberry, apricot, pineapple-apricot, or peach, respectively) to each 55 parts by weight of one of the optional sweetening ingredients specified in the definitions and standards; their soluble-solids content was less than 68 percent; and the strawberry fruit spread contained artificial color, which is not permitted as an ingredient of strawberry jam by such definition and standard.

**DISPOSITION:** April 20, 1952. Leverton & Co., claimant, having admitted the essential allegations in the libel, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**19726. Misbranding of fruit spread. U. S. v. 3 Cases, etc. (F. D. C. No. 33486. Sample Nos. 54414-L, 54415-L.)**

**LIBEL FILED:** July 25, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about July 23, 1951, and April 4, 1952, by the Milwaukee Preserve and Flavor Co., from Milwaukee, Wis.

**PRODUCT:** 3 cases, each containing 12 2-pound jars, of strawberry spread, and 9 cases, each containing 12 2-pound jars, of raspberry spread at Iron River, Mich.

**LABEL, IN PART:** "Top Hat Spread Strawberry [or "Raspberry"]."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products purported to be and were represented as strawberry jam and red raspberry jam, and they failed to conform to the definitions and standards of identity for such jams since they were made from a mixture composed of less than 45 parts by weight of the fruit ingredients to each 55 parts by weight of the saccharine ingredients; the soluble-solids content was less than 68 percent; and they contained artificial color, which is not permitted as an optional ingredient.

**DISPOSITION:** September 3, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

**19727. Adulteration and misbranding of strawberry jelly. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 34156. Sample No. 17544-L.)**

**LIBEL FILED:** November 21, 1952, District of Arizona.

**ALLEGED SHIPMENT:** On or about August 1, 1952, by Certified Grocers of California, Ltd., from Los Angeles, Calif.

**PRODUCT:** 14 cases, each containing 12 20-ounce jars, of strawberry jelly at Phoenix, Ariz.

**LABEL, IN PART:** "Old Tavern Pure Strawberry Jelly \* \* \* Packed By Kremer Foods Los Angeles, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted for strawberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry jelly since it contained less than 45 parts by weight of the fruit juice ingredient (strawberry) to each 55 parts by weight of the saccharine ingredient.



**DISPOSITION:** January 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**19728. Adulteration and misbranding of preserves. U. S. v. 17 Cases, etc.** (F. D. C. No. 33267. Sample Nos. 54037-L to 54039-L, incl.)

**LIBEL FILED:** May 26, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about April 28, 1952, by the Mitchell Syrup & Preserve Co., from Detroit, Mich.

**PRODUCT:** 74 cases, each containing 12 2-pound jars, of preserves at Chicago, Ill.

**LABEL, IN PART:** "Dainty Lunch Brand Pure Apple Blackberry [or "Apple Raspberry" or "Apple Strawberry"] Preserves."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for apple-strawberry, apple-blackberry, and apple-raspberry preserves.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for apple-strawberry preserves, apple-blackberry preserves, and apple-raspberry preserves since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredients (apple-strawberry, apple-blackberry, or apple-raspberry) to each 55 parts by weight of the sweetening ingredients specified in the definitions and standards.

**DISPOSITION:** September 16 and 19, 1952. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions.

**19729. Misbranding of strawberry preserves and blackberry preserves. U. S. v. 9 Cases, etc.** (F. D. C. No. 33705. Sample Nos. 29349-L, 29350-L.)

**LIBEL FILED:** September 22, 1952, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about August 20, 1952, by the Oswego Jelly Co., from Oswego, Oreg.

**PRODUCT:** 9 cases of strawberry preserves and 9 cases of blackberry preserves at Spokane, Wash. Each case contained 24 12-ounce jars of preserves.

**LABEL, IN PART:** (Jars) "Oregon Hills Brand Pure Strawberry [or "Mountain Wild Blackberry"] Preserves."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for strawberry and blackberry preserves prescribed by the regulations promulgated under Section 401 since the definitions and standards provide that mixtures containing the optional ingredients of strawberry preserves and blackberry preserves be concentrated by heat to such point that the soluble-solids content of the finished preserves is not less than 68 percent, whereas the soluble-solids content of the articles was less than 68 percent.

**DISPOSITION:** November 12, 1952. A default decree of condemnation was entered, and the court ordered that the products be distributed to a charitable organization.

**19730. Adulteration of strawberry preserves. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 34211. Sample No. 67116-L.)**

**LIBEL FILED:** November 17, 1952, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 20, 1952, by Leverton & Co., from Houston, Tex.



PRODUCT: 18 cases, each containing 12 12-ounce jars, of strawberry preserves at Many, La.

LABEL, IN PART: (Jar) "World Over Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: February 16, 1953. Default decree of condemnation and destruction.

### VEGETABLES

19731. Misbranding of canned cut green beans. U. S. v. 141 Cases \* \* \*. (F. D. C. No. 33510. Sample No. 18438-L.)

LIBEL FILED: August 4, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about February 23 and March 26, 1952, by Stokely Foods, Inc., from Bellingham, Wash.

PRODUCT: 141 cases, each containing 24 15½-ounce cans, of cut green beans at Los Angeles, Calif.

RESULTS OF INVESTIGATION: The product was shipped unlabeled to Alameda, Calif., where it was labeled by Stokely Foods, Inc., and shipped to Los Angeles, Calif., on or about June 12, 1952.

LABEL, IN PART: "Canteen Cut Green Beans Packed by Mission Valley Canning Co. San Jose, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Packed By Mission Valley Canning Co. San Jose, California" was false and misleading since the product was not packed by the Mission Valley Canning Co., San Jose, Calif.; and, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since there were present pods or pieces of pods  $\frac{27}{64}$  inch or more in diameter; it contained an excessive number of tough strings; the deseeded pods of the product contained more than 0.15 percent by weight of fibrous material; and the label failed to bear a statement that the product fell below such standard.

The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

19732. Misbranding of canned peas. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 34217. Sample No. 14906-L.)

LIBEL FILED: On or about November 18, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 3, 1952, by the Otoe Food Products Co., from Nebraska City, Nebr.

PRODUCT: 18 cases, each containing 24 10½-ounce cans, of peas at Kansas City, Mo.

LABEL, IN PART: "Pioneer Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for a smooth skin variety of canned peas since the



peas were excessively mealy and its label failed to bear a statement that the peas fell below the standard.

DISPOSITION: December 30, 1952. The court entered a default decree ordering that the product be delivered to a charitable institution.

**19733. Adulteration of potatoes. U. S. v. 720 Bags \* \* \*. (F. D. C. No. 32856. Sample Nos. 17004-L, 17005-L.)**

LIBEL FILED: March 7, 1952, Western District of Texas.

ALLEGED SHIPMENT: On or about February 16, 1952, by George C. Burger, from Merrill, Oreg.

PRODUCT: 720 100-pound bags of potatoes at El Paso, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: May 7, 1952. Default decree of condemnation and destruction.

### **TOMATOES AND TOMATO PRODUCTS \***

**19734. Adulteration of canned tomatoes. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 34135. Sample No. 44565-L.)**

LIBEL FILED: November 13, 1952, District of Connecticut.

ALLEGED SHIPMENT: On or about October 3, 1952, by the Wm. E. Silver Sales Co., from Conowingo, Md.

PRODUCT: 300 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hartford, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: January 26, 1953. Default decree of condemnation and destruction.

**19735. Adulteration of canned tomatoes. U. S. v. 32 Cases, etc. (F. D. C. No. 34212. Sample No. 19879-L.)**

LIBEL FILED: November 13, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about September 11, 1952, by the Rich Canning Co., from Normal, Ill.

PRODUCT: Canned tomatoes. 32 cases, each containing 24 1-pound, 3-ounce cans, and 29 cases, each containing 24 1-pound, 12-ounce cans, at Minneapolis, Minn.

LABEL, IN PART: "Elmdale Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 7, 1953. The court entered a default decree of condemnation ordering that the product be denatured for use as animal feed or be destroyed under the supervision of the Food and Drug Administration.

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\*See also No. 19746.



**19736. Adulteration of tomato juice. U. S. v. 296 Cases \* \* \*. (F. D. C. No. 33234. Sample Nos. 38601-L, 38605-L.)**

**LIBEL FILED:** May 5, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about February 21, 1952, by the Bercut-Richards Packing Co., from Sacramento, Calif.

**PRODUCT:** 296 cases, each containing 48 5½-ounce cans, of tomato juice at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "Sacramento Brand California Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 22, 1952. The shipper, the sole intervener, having withdrawn its claim, judgment of condemnation was entered and the court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

## NUTS AND NUT PRODUCTS

**19737. Adulteration of unshelled brazil nuts. U. S. v. 178 Bags \* \* \*. (F. D. C. No. 33496. Sample No. 49604-L.)**

**LIBEL FILED:** July 29, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 10, 1951, from Brazil.

**PRODUCT:** 178 100-pound bags of unshelled brazil nuts at Jersey City, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed brazil nuts, and it was otherwise unfit for food by reason of the presence of empty shells. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 14, 1952. William A. Camp Co., Inc., New York N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration.

The product was brought into compliance with the law by the cracking of the nuts and the salvaging of the fit portion. 3,930 pounds of nut meats were salvaged, and the remainder of the product, consisting of 13,301 pounds of shell and rancid and decomposed nut meats, was destroyed.

**19738. Adulteration of peanuts and flour. U. S. v. 54 Bags, etc. (F. D. C. No. 32832. Sample Nos. 48352-L, 48353-L.)**

**LIBEL FILED:** February 29, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 16 and December 18, 1951, from Suffolk, Va., and Wichita, Kans.

**PRODUCT:** 54 100-pound bags of peanuts and 19 50-pound bags of flour at Burlington, Iowa, in the possession of the Benner Tea Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** April 24, 1952. The Benner Tea Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

524 pounds of peanuts were segregated for use as hog feed, and 350 pounds of flour were denatured for use as animal feed.

**19739. Adulteration of pecan meats, dried peaches, dried apricots, prunes, and rice. U. S. v. 10 Cases, etc. (F. D. C. No. 33545. Sample Nos. 27493-L to 27505-L, incl.)**

**LIBEL FILED:** August 29, 1952, District of Nevada.

**ALLEGED SHIPMENT:** Portions of the products were shipped between February 5 and March 19, 1951, and the remainder was shipped prior to 1951.

**PRODUCT:** 10 cases, each containing 12 4-ounce bags, and 4 cases, each containing 12 3-ounce bags, of pecan meats; 3 cases, each containing 12 14-ounce bags, of dried peaches; 5 cases, each containing 12 14-ounce bags, of dried apricots; 5 cases, each containing 12 14-ounce bags, of prunes; and 36 cases, each containing 24 1-pound bags, 14 cases, each containing 12 2-pound bags, and 12 cases, each containing 12 1-pound bags, of rice, at Reno, Nev.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 24, 1952. Default decree of condemnation and destruction.

**19740. Adulteration of nut meats and prunes. U. S. v. 6 Cases, etc. (F. D. C. No. 34118. Sample Nos. 65596-L to 65598-L, incl.)**

**LIBEL FILED:** November 7, 1952, District of North Dakota.

**ALLEGED SHIPMENT:** Between the approximate dates of November 7, 1951, and June 18, 1952, from Minneapolis, Minn., and Fowler, Calif.

**PRODUCT:** 6 cases, each containing 24 3½-ounce packages, of nut meats, and 8 cases, each containing 24 7-ounce packages, and 176 2-pound packages, of prunes at Fargo, N. Dak.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of moldy prunes and moldy walnuts, and (98 cases of prunes) of a filthy substance by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 17, 1953. The sole interveners having consented to the entry of a decree, judgment of condemnation and destruction was entered.

**19741. Adulteration of desiccated coconut. U. S. v. 92 Bags \* \* \*. (F. D. C. No. 33048. Sample No. 21190-L.)**

**LIBEL FILED:** April 8, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about October 31 and November 2, 1950, from New York, N. Y.

**PRODUCT:** 92 100-pound bags of desiccated coconut at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.



The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 5, 1952. Default decree of condemnation and destruction.

## POULTRY

**19742. Adulteration of dressed poultry. U. S. v. John W. Spencer (Spencer Produce Co.).** Plea of guilty. Fine, \$400. (F. D. C. No. 33812. Sample No. 49517-L.)

**INFORMATION FILED:** October 29, 1952, Western District of Virginia, against John W. Spencer, trading as the Spencer Produce Co., Dayton, Va.

**ALLEGED SHIPMENT:** On or about August 13, 1952, from the State of Virginia into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal since it consisted in part of poultry that was affected with enteritis, pyemia, and enterohepatitis.

**DISPOSITION:** March 10, 1953. A plea of guilty having been entered, the court fined the defendant \$400.

**19743. Adulteration of dressed poultry. U. S. v. Rockland Poultry Co., Inc., and Isidore Poust.** Pleas of guilty. Corporation fined \$500; individual fined \$100. (F. D. C. No. 33796. Sample Nos. 38347-L, 49507-L.)

**INFORMATION FILED:** October 14, 1952, District of Maine, against Rockland Poultry Co., Inc., Rockland, Maine, and Isidore Poust, treasurer.

**ALLEGED SHIPMENT:** On or about April 16, 1952, from the State of Maine into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of birds that were decomposed; and, Section 402 (a) (5), it was in part the product of a diseased animal, diseased poultry, and (1 shipment) the product of an animal which had died otherwise than by slaughter.

**DISPOSITION:** March 27, 1953. The defendants having entered pleas of guilty, the court fined the corporation \$500 and the individual defendant \$100.

**19744. Adulteration of dressed poultry. U. S. v. 219 Pounds \* \* \*. (F. D. C. No. 34081. Sample No. 49530-L.)**

**LIBEL FILED:** On or about October 30, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 14, 1952, by Rockland Poultry Co., Inc., from Rockland, Maine.

**PRODUCT:** 219 pounds of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** January 12, 1953. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19745. Adulteration of dressed poultry. U. S. v. 91 Crates, etc. (F. D. C. No. 33936. Sample Nos. 26327-L, 26328-L.)**

**LIBEL FILED:** On or about October 21, 1952, District of New Jersey.



**ALLEGED SHIPMENT:** On or about September 5, 1952, by the Dover Poultry Co., from Baltimore, Md.

**PRODUCT:** 98 crates of dressed poultry at Camden, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** February 26, 1953. Default decree of condemnation. The court ordered that the Food and Drug Administration be permitted to take two crates of the product and that the remainder of the product be destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**19746. Adulteration of dried condiments. U. S. v. Meyer Gilgus & Son Meat & Provision Co., a partnership, and Meyer Gilgus. Pleas of guilty. Joint fine of \$100 and costs. (F. D. C. No. 33805. Sample No. 16218-L.)**

**INFORMATION FILED:** October 16, 1952, against Meyer Gilgus & Son Meat & Provision Co., a partnership, Kansas City, Mo., and Meyer Gilgus, a partner.

**ALLEGED SHIPMENT:** On or about October 24, 1951, from the State of Kansas into the State of Missouri.

**LABEL, IN PART:** "Fresh Flavor Red Sweet Pepper," "Tomato Flakes," and "Tomato Pieces."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of contamination with flood waters; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 30, 1953. The defendants having entered pleas of guilty, the court imposed a joint fine of \$100 and costs.

**19747. Adulteration of chili pepper. U. S. v. Stewart L. Brockman (Arizona Chili Products). Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 32811. Sample Nos. 14070-L, 14171-L, 14354-L, 14355-L.)**

**INFORMATION FILED:** August 26, 1952, District of Arizona, against Stewart L. Brockman, trading as Arizona Chili Products, at Elfrida, Ariz.

**ALLEGED SHIPMENT:** On or about January 18 and 19 and February 29, 1952, from the State of Arizona into the State of Colorado.

**LABEL, IN PART:** "Elfrida Chili Pepper" or "Arizona Brand Chili Pepper."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments.

**DISPOSITION:** May 11, 1953. The defendant having entered a plea of guilty, the court suspended the imposition of sentence and placed the defendant on probation for 2 years, conditioned that he violate no Federal or State law.

**19748. Adulteration of red pepper hulls in brine. U. S. v. 6 Barrels \* \* \*. (F. D. C. No. 34115. Sample No. 44502-L.)**

**LIBEL FILED:** November 7, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 2, 1952, by Bloch & Guggenheimer, Inc., from Williamsburg, Md.



**PRODUCT:** 6 barrels, each containing approximately 31½ gallons, of red pepper hulls in brine at Boston, Mass.

**LABEL, IN PART:** (Barrel) "Red Pepper Hulls In Brine."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 26, 1953. Default decree of condemnation and destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**19749. Adulteration and misbranding of vitamin capsules. U. S. v. 54 Bottles, etc.** (F. D. C. No. 33902. Sample Nos. 18455-L, 18456-L.)

**LIBEL FILED:** October 3, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about May 29, 1951, from New York, N. Y.

**PRODUCT:** Vitamin capsules. 54 50-capsule bottles and 57 100-capsule bottles at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamins A, B<sub>1</sub>, and D, and (50-capsule size) vitamin B<sub>2</sub>, had been in part omitted or abstracted from the products.

Misbranding, Section 403 (a), the label statements "Each capsule contains: Vitamin A \* \* \* 5000 U. S. P. Units Vitamin B<sub>1</sub> \* \* \* 333 U. S. P. Units (1 mg.) Vitamin D \* \* \* 500 U. S. P. Units" and (50-capsule size) "Vitamin B<sub>2</sub> (G) (Riboflavin) ½ mg. (500 micrograms)" were false and misleading since the products contained less than the declared amounts of those vitamins.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 17, 1952. Default decree of condemnation and destruction.

**19750. Adulteration and misbranding of Cal-D-Fer tablets. U. S. v. 50,700 Tablets \* \* \*.** (F. D. C. No. 33326. Sample No. 37065-L.)

**LIBEL FILED:** July 7, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about May 5, 1952, by the Robin Pharmacal Corp., from Brooklyn, N. Y., to Cleveland, Ohio, where the product was refused by the consignee and returned to the manufacturer.

**PRODUCT:** 50,700 Cal-D-Fer tablets in 2 drums at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Tablet Contains: \* \* \* Vitamin D \* \* \* 300 Unit" was false and misleading since the article contained less than the declared amount of vitamin D.

**DISPOSITION:** May 19, 1953. Default decree of condemnation and destruction.

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<sup>1</sup> (19701) Prosecution contested.



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<sup>1</sup>(19701) Prosecution contested.





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U. S. Department of Health, Education, and Welfare

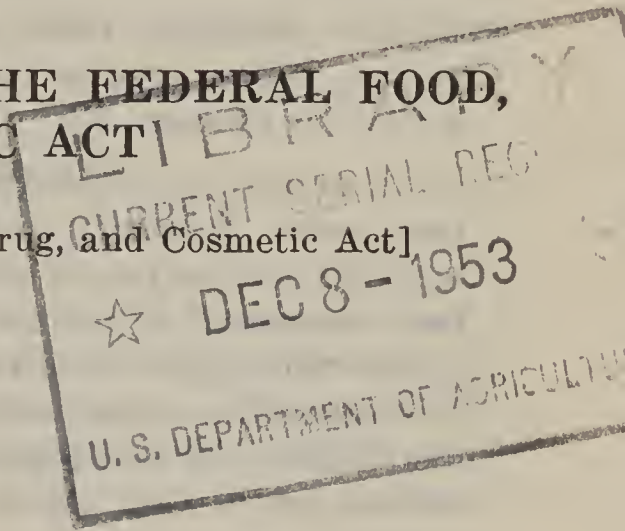
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19751-19800

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*  
WASHINGTON, D. C., November 13, 1953.

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**BEVERAGES AND BEVERAGE MATERIALS**

**19751. Adulteration and misbranding of whisky. U. S. v. 4,289 ½-Pint Bottles, etc. (F. D. C. No. 33343. Sample Nos. 8895-L, 8896-L.)**

**LIBEL FILED:** July 15, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 3, 1951, from Peoria, Ill., consigned to Worcester, Mass. While in transit, the whisky was submerged in polluted water near Lee, Mass., after being involved in a truck accident. On or about October 13, 1951, the whisky was returned to Illinois.

**PRODUCT:** Whisky. 4,289 ½-pint bottles, 1,886 1-pint bottles, 1,549 1-quart bottles, 963 ⅓-gallon bottles, and 19 cases, each containing 6 ⅓-gallon bottles, at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth and may have been rendered injurious to health because of its having been submerged in polluted water.

Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

**DISPOSITION:** June 1, 1953. Jones & Randolph, Ltd., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by redistillation, under the supervision of the Department of Health, Education, and Welfare and the Treasury Department.

**19752. Adulteration of green coffee. U. S. v. 347 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 33122, 33123. Sample Nos. 21361-L, 22688-L.)**

**LIBELS FILED:** May 6, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 12, 1952, by Valporga & De Simoni, from Genoa, Italy.

**PRODUCT:** 347 bags, each containing 131 pounds, and 3 bags, each containing 100 pounds, of green coffee at New Orleans, La.

**LABEL, IN PART:** "Camillieri DF Genova."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** On June 18, 1952, Leon Israel & Bros., Inc., New Orleans, La., claimant for the 347-bag lot, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law. The 347-bag lot was reconditioned, with the result that 27,757 pounds of the product were found unfit and were destroyed.

On June 6, 1952, no claimant having appeared for the 3-bag lot of the product, a default decree of condemnation and destruction was entered.



19753. Adulteration of coffee sweeps. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 33489. Sample No. 37853-L.)

**LIBEL FILED:** July 28, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** The product was imported from foreign countries. The shipper and date of shipment are unknown.

**PRODUCT:** 3 100-pound bags of coffee sweeps at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and rodent excreta; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 19, 1953. Default decree of condemnation and destruction.

## CANDY AND COCOA BEANS

### CANDY

19754. Adulteration and misbranding of candy. U. S. v. 90 Boxes, etc. (and 8 other seizure actions). (F. D. C. Nos. 32557, 32564, 32869, 32876, 32877, 32887, 32943, 32950, 32966, 32982. Sample Nos. 6129-L, 6130-L, 6672-L to 6677-L, incl., 7304-L, 25992-L, 26336-L to 26339-L, incl., 26398-L, 26529-L, 27339-L, 35981-L, 41865-L to 41867-L, incl., 41869-L, 48355-L to 48359-L, incl.)

**LIBELS FILED:** Between the approximate dates of February 28 and March 25, 1952, District of Delaware, District of New Jersey, Western District of New York, Northern District of Ohio, District of Minnesota, Southern District of Florida, District of Massachusetts, and Northern District of California.

**ALLEGED SHIPMENT:** Between the approximate dates of November 29, 1951, and February 29, 1952, by Luden's, Inc., from Reading, Pa.

**PRODUCT:** Candy. 110 boxes, each containing 120 pieces, and 6 25-pound cartons, at Wilmington, Del.; 150 boxes, each containing 24 bars, at Camden, N. J.; 656 boxes, each containing 24 bars, at Buffalo, N. Y.; 20 cartons, each containing 100 bars, and 1,456 cartons, each containing 24 bars, at Cleveland, Ohio; 98 cartons, each containing 120 bars, 131 cartons, each containing 100 bars, and 3,520 cartons, each containing 24 bars, at Minneapolis, Minn.; 60 boxes, each containing 48 candy eggs, at Dade City, Fla.; 3,832 cartons, each containing 24 bars, and 77 cartons, each containing 100 bars, at Boston, Mass.; and 281 cartons, each containing 100 bars, 286 cartons, each containing 120 bars, and 1,920 cartons, each containing 24 bars, at San Francisco, Calif.

**LABEL, IN PART:** "Luden's Chocolate Cherry [or "Maple," "Cocoanut," or "Pineapple"] Cream Egg Net Wt. 2 Ozs.," "Almond Royal Milk Chocolate," "5th Avenue with Almonds," "5th Avenue," "Luden's Chocolate Covered Melomint Pattie," "Luden's Marshmallow Rabbits [or "Chocolate Marshmallow Rabbits" or "Chocolate Marshmallow Eggs"]," "Assorted Jelly Rabbits," and "Black Babbies."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, rodent hairs, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (60 boxes of candy eggs at Dade City, Fla.), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. 2 Ozs." was inaccurate. (The article was short of the declared weight.)

DISPOSITION: Between March 19 and April 29, 1952. Default decrees of condemnation. The courts ordered that the New Jersey lot be delivered to a county institution, for use as hog feed, and that the other lots be destroyed.

19755. Adulteration of candy. U. S. v. 80 Boxes \* \* \*. (F. D. C. No. 33403. Sample No. 8615-L.)

LIBEL FILED: June 16, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about May 15, 1952, by the Liberty Chocolate Co., from Boston, Mass.

PRODUCT: 80 boxes of candy at Buffalo, N. Y.

LABEL, IN PART: "120 Count 1 Cent Each Pie Plates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 18, 1952. Default decree of condemnation and destruction.

#### COCOA BEANS

19756. Adulteration of cocoa beans. U. S. v. 198 Sacks \* \* \* (and 1 other seizure action). (F. D. C. Nos. 34087, 34112. Sample Nos. 41421-L, 41422-L.)

LIBELS FILED: October 28 and November 5, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 7, 1948, and May 19, 1949, from New York, N. Y.

PRODUCT: 198 200-pound sacks and 176 125-pound sacks of cocoa beans at Bethlehem, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live insects and insect-infested beans, and of a decomposed substance by reason of the presence of moldy beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1952. Just Born, Inc., Bethlehem, Pa., claimant, having consented to the entry of a decree and the libel actions having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Federal Security Agency. 9 sacks of the product were found unfit and were destroyed.

19757. Adulteration of cocoa beans. U. S. v. 250 Bags \* \* \*. (F. D. C. No. 33521. Sample Nos. 37856-L, 37869-L.)

LIBEL FILED: August 13, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 9, 1952, from Venezuela.

PRODUCT: 250 bags, each containing 160 pounds, of cocoa beans at Brooklyn, N. Y.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live and dead insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 26, 1952. Schwabach & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be fumigated, reprocessed, and repacked under the supervision of the Federal Security Agency. 31,384 pounds of cocoa beans were salvaged and 449 pounds were destroyed.

**19758. Adulteration of cocoa beans. U. S. v. 145 Bags \* \* \*. (F. D. C. No. 33550. Sample No. 37872-L.)**

**LIBEL FILED:** August 27, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 24, 1951, from a foreign country.

**PRODUCT:** 145 bags, each containing approximately 160 pounds, of cocoa beans at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of wormy beans, and of a decomposed substance by reason of the presence of moldy beans. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 7, 1952. Ernest Adler Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 285 pounds of the product were segregated as unfit and were destroyed.

**19759. Adulteration of cocoa beans. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 33517. Sample No. 37857-L.)**

**LIBEL FILED:** August 7, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 2, 1952, from Ecuador.

**PRODUCT:** 3 bags containing a total of approximately 528 pounds of cocoa beans at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested cocoa beans, and of a decomposed substance by reason of the presence of moldy cocoa beans. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 27, 1952. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**19760. Adulteration of flour. U. S. v. 111 Bags \* \* \*. (F. D. C. No. 33511. Sample No. 33023-L.)**

**LIBEL FILED:** August 7, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about March 24, 1952, from Higginsville, Mo.

**PRODUCT:** 111 100-pound bags of flour at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 19, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

**19761. Adulteration of flour. U. S. v. 72 Bags \* \* \*. (F. D. C. No. 32930. Sample No. 13050-L.)**

**LIBEL FILED:** March 31, 1952, Western District of Texas.

**ALLEGED SHIPMENT:** On or about January 11, 1952, from Liberal, Kans.

**PRODUCT:** 72 100-pound bags of flour at El Paso, Tex., in the possession of Tidwell Fuel & Feed Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 16, 1952. Tidwell Fuel & Feed Co., Inc., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured and relabeled for use as animal feed, under the supervision of the Food and Drug Administration.

**19762. Adulteration of flour. U. S. v. 69 Bags \* \* \*. (F. D. C. No. 33493. Sample No. 2405-L.)**

**LIBEL FILED:** July 30, 1952, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about March 24 and May 22, 1952, from Wilson, Kans.

**PRODUCT:** 69 50-pound bags of flour at Seneca, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 19, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**19763. Adulteration of flour. U. S. v. 26 Bags \* \* \*. (F. D. C. No. 33479. Sample No. 22543-L.)**

**LIBEL FILED:** On or about July 24, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 23, 1951, from Chicago, Ill.

**PRODUCT:** 26 100-pound bags of flour at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 25, 1952. Default decree of condemnation and destruction.



**19764. Adulteration of tapioca flour. U. S. v. 381 Bags \* \* \*. (F. D. C. No. 33487. Sample No. 37850-L.)**

**LIBEL FILED:** July 28, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 5, 1952, from Brazil.

**PRODUCT:** 381 bags, each containing approximately 150 pounds, of tapioca flour at Brooklyn, N. Y., in the possession of Prentice Stores.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 11, 1952. Stein Hall & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed for technical purposes, under the supervision of the Federal Security Agency.

**19765. Adulteration of flour and roll mix. U. S. v. 16 Bags, etc. (F. D. C. No. 33572. Sample Nos. 2062-L, 2063-L.)**

**LIBEL FILED:** September 3, 1952, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about April 25 and May 21, 1952, from Louisville, Ky., and on June 16, 1952, from Springfield, Ill.

**PRODUCT:** 16 100-pound bags of flour and 5 100-pound bags of roll mix at Charleston, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 21, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution, for use as animal feed.

#### MISCELLANEOUS CEREALS\*

**19766. Adulteration of rice. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 33492. Sample No. 2222-L.)**

**LIBEL FILED:** July 25, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about June 20, 1952, from New Orleans, La.

**PRODUCT:** 30 100-pound bags of rice at Jacksonville, Fla., in the possession of the Great Atlantic & Pacific Tea Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 22, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

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\*See also No. 19765.



**19767. Adulteration of rice. U. S. v. 50 Bales \* \* \*. (F. D. C. No. 33528. Sample No. 2323-L.)**

**LIBEL FILED:** August 26, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about February 22, 1952, from Stuttgart, Ark.

**PRODUCT:** 50 bales, each containing 20 3-pound bags, of rice at Vidalia, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and larvae. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 1, 1952. Default decree of condemnation and destruction.

**19768. Adulteration of wheat. U. S. v. 1,858 Bushels \* \* \*. (F. D. C. No. 33481. Sample No. 65257-L.)**

**LIBEL FILED:** July 22, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 3, 1952, by the Occident Elevator Co., from Gladstone, N. Dak.

**PRODUCT:** 1,858 bushels of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

**DISPOSITION:** August 1, 1952. The Russell Miller Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be distilled into industrial alcohol, under the supervision of the Federal Security Agency.

On September 10, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in the following notices of judgment, Nos. 19769-19771, incl., were commingled for purposes of the scouring operations. As a result of these operations, 12,840 pounds of wheat were found unfit and were destroyed.

**19769. Adulteration of wheat. U. S. v. 90,870 Pounds \* \* \*. (F. D. C. No. 33469. Sample No. 48687-L.)**

**LIBEL FILED:** July 15, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 12, 1952, by the Occident Elevator Co., from Roberts, Mont.

**PRODUCT:** 90,870 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

**DISPOSITION:** July 25, 1952. The Russell Miller Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be distilled into industrial alcohol, under the supervision of the Federal Security Agency.



On September 10, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in the preceding notice of judgment, No. 19768, and in the following Nos. 19770 and 19771, were commingled for purposes of the scouring operations. As a result of these operations, 12,840 pounds of wheat were found unfit and were destroyed.

**19770. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33478. Sample No. 65254-L.)**

**LIBEL FILED:** July 17, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 24, 1952, by the Farmers Trading Co., from Cut Bank, Mont.

**PRODUCT:** 1 carload of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 1, 1952. The Farmers Trading Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency.

On September 4, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association, St. Paul, Minn., as claimant and to permit reprocessing of the grain by scouring.

The wheat in the instant case and the wheat involved in the cases reported in the preceding notices of judgment, Nos. 19768 and 19769, and in the following, No. 19771, were commingled for purposes of the scouring operations. As a result of these operations, 12,840 pounds of wheat were found unfit and were destroyed.

**19771. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33613. Sample No. 65266-L.)**

**LIBEL FILED:** July 31, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 10, 1952, by the Greeley Elevator Co., from Vaughn, Mont.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 6, 1952. The Greeley Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for distillation into industrial alcohol, under the supervision of the Federal Security Agency.



On September 10, 1952, the decree was amended to permit the Farmers Union Grain Terminal Association, St. Paul, Minn., to be substituted as claimant and to permit the reprocessing of the product by scouring.

The product involved in the instant case was commingled with the product involved in the cases reported in the preceding notices of judgment, Nos. 19768-19770, incl., for purposes of the scouring operations. 12,840 pounds of the commingled product were found unfit and were destroyed.

**19772. Adulteration of wheat. U. S. v. 120,000 Pounds \* \* \*. (F. D. C. No. 33387. Sample No. 48712-L.)**

**LIBEL FILED:** June 11, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 22, 1952, by the Atlantic Elevator Co., from Glentana, Mont.

**PRODUCT:** 120,000 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** June 20, 1952. The Atlantic Elevator Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for washing and cleaning under the supervision of the Federal Security Agency.

On September 29, 1952, the decree was amended to permit the Farmers Union Grain Terminal Association, St. Paul, Minn., to be substituted as claimant and to permit the reprocessing of the product by scouring.

The product involved in the instant case was commingled with the product involved in the cases reported in the following notices of judgment, Nos. 19773 and 19774, for purposes of the scouring operations. 6,980 pounds of the commingled product were found unfit and were destroyed.

**19773. Adulteration of wheat. U. S. v. 1,510 Bushels \* \* \*. (F. D. C. No. 33655. Sample No. 65152-L.)**

**LIBEL FILED:** August 23, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 4, 1952, by Birdsall Elevator, from Elgin, N. Dak.

**PRODUCT:** 1,510 bushels of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

**DISPOSITION:** August 27, 1952. Fred Birdsall, Joseph Birdsall, J. S. Birdsall, and B. L. Birdsall, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing into industrial alcohol, under the supervision of the Federal Security Agency.

On September 29, 1952, the decree was amended to permit the Farmers Union Grain Terminal Association, St. Paul, Minn., to be substituted as claimant and to permit the reprocessing of the product by scouring.



The product involved in the instant case was commingled with the product involved in the cases reported in the preceding notice of judgment, No. 19772, and in the following, No. 19774, for the purposes of the scouring operations. 6,980 pounds of the commingled product were found unfit and were destroyed.

**19774. Adulteration of wheat. U. S. v. 1,507 Bushels \* \* \*. (F. D. C. No. 33639. Sample No. 65584-L.)**

**LIBEL FILED:** September 9, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 24, 1952, by the Occident Elevator Co., from Beulah, N. Dak.

**PRODUCT:** 1,507 bushels of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

**DISPOSITION:** October 6, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by scouring under the supervision of the Federal Security Agency.

The product involved in the instant case was commingled with the product involved in the cases reported in the preceding notices of judgment, Nos. 19772 and 19773, for the purposes of the scouring operations. 6,980 pounds of the commingled product were found unfit and were destroyed.

**19775. Adulteration of wheat. U. S. v. 112,500 Pounds \* \* \*. (F. D. C. No. 33470. Sample No. 65251-L.)**

**LIBEL FILED:** July 14, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 19, 1952, by the Farmers Trading Co., from Cut Bank, Mont.

**PRODUCT:** 112,500 pounds of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 30, 1952. The Farmers Trading Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing into industrial alcohol, under the supervision of the Federal Security Agency.

On September 10, 1952, the decree was amended to permit the Farmers Union Grain Terminal Association, St. Paul, Minn., to be substituted as claimant and to permit the reprocessing of the product by scouring.

The product involved in the instant case was commingled with the product involved in the case reported in the following notice of judgment, No. 19776, for the purposes of the scouring operations. 3,430 pounds of the commingled product were found unfit and were destroyed.



**19776. Adulteration of wheat. U. S. v. 2,000 Bushels \* \* \*. (F. D. C. No. 33656. Sample No. 65589-L.)**

**LIBEL FILED:** August 28, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 4, 1952, by the Wheatland Elevator Co., from Bottineau, N. Dak.

**PRODUCT:** 2,000 bushels of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** September 3, 1952, The Wheatland Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing into industrial alcohol, or feed, under the supervision of the Federal Security Agency.

On September 29, 1952, the decree was amended to permit the Farmers Union Grain Terminal Association, St. Paul, Minn., to be substituted as claimant and to permit the reprocessing of the product by scouring.

The product involved in the instant case was commingled with the product involved in the case reported in the preceding notice of judgment, No. 19775, for the purposes of the scouring operations. 3,430 pounds of the commingled product were found unfit and were destroyed.

**19777. Adulteration of wheat. U. S. v. 111,960 Pounds \* \* \*. (F. D. C. No. 33484. Sample No. 40736-L.)**

**LIBEL FILED:** July 23, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 23, 1952, by the Gallatin Valley Milling Co., from Power, Mont.

**PRODUCT:** 111,960 pounds of wheat at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 30, 1952. The Fisher Flouring Mills Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and reprocessing, under the supervision of the Federal Security Agency.

After the product was washed, scoured, and cleaned, the recleaned wheat was mixed with other feed materials for use as chicken feed and the scourings were destroyed.

**19778. Adulteration of wheat. U. S. v. 106,800 Pounds \* \* \*. (F. D. C. No. 33439. Sample No. 48675-L.)**

**LIBEL FILED:** July 2, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 10, 1952, by the Farmers Elevator Co. of Lynchburg, from Chaffee, N. Dak.

**PRODUCT:** 106,800 pounds of wheat at Duluth, Minn.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 9, 1952. The Farmers Elevator Co. of Lynchburg, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be held in storage for use as seed. The product was denatured by the addition of coloring so that it could not be disposed of for use as human food.

**19779. Adulteration of wheat. U. S. v. 38,350 Pounds \* \* \*. (F. D. C. No. 33480. Sample No. 33168-L.)**

**LIBEL FILED:** July 16, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about July 2, 1952, by the Cadams Grain & Lumber Co., from Cadams, Nebr.

**PRODUCT:** 38,350 pounds of wheat at Council Bluffs, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of sour and musty wheat.

**DISPOSITION:** August 27, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**19780. Adulteration of wheat. U. S. v. 1,880 Bushels \* \* \*. (F. D. C. No. 33476. Sample No. 48678-L.)**

**LIBEL FILED:** July 17, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 27, 1952, by Farmers Grain Exchange, from Havre, Mont.

**PRODUCT:** 1,880 bushels of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 30, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by scouring under the supervision of the Federal Security Agency.

108,210 pounds of wheat were salvaged and 3,660 pounds were destroyed.

**19781. Adulteration of wheat. U. S. v. 1,528 Bushels \* \* \*. (F. D. C. No. 33477. Sample No. 48679-L.)**

**LIBEL FILED:** July 17, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 11, 1952, by Farmers Equity Union, from Rhame, N. Dak.

PRODUCT: 1,528 bushels of wheat at Duluth, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and can be avoided by good manufacturing practice.

DISPOSITION: July 30, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed by scouring under the supervision of the Federal Security Agency.

89,250 pounds of wheat were salvaged and 2,750 pounds were destroyed.

## DAIRY PRODUCTS

### BUTTER

19782. Adulteration of butter. U. S. v. 160 Pounds \* \* \*. (F. D. C. No. 33534. Sample No. 4714-L.)

LIBEL FILED: August 18, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about August 13, 1952, by the Smelkinson Bros. Corp., from Baltimore, Md.

PRODUCT: 160 pounds of butter at Washington, D. C.

LABEL, IN PART: "Springdale Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: October 10, 1952. Default decree of condemnation. The court ordered that the product be delivered to a zoological park for the use of the park and not for sale.

19783. Misbranding of butter. U. S. v. 3 Cases, etc. (F. D. C. No. 33366. Sample Nos. 16679-L, 16680-L.)

LIBEL FILED: August 7, 1952, District of Kansas.

ALLEGED SHIPMENT: On or about July 24, 1952, by the Sni-A-Bar Creamery Co., from Independence, Mo.

PRODUCT: 4 cartons and 3 cases, each containing 6 cartons, of butter at Kansas City, Kans.

LABEL, IN PART: (Carton) "5 Lbs. Net Fine Quality Creamery Butter Patties."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the cartons containing the article failed to bear an accurate statement of the quantity of the contents. (Examination showed that the product was short of the declared weight.)

DISPOSITION: August 12, 1952. The Sni-A-Bar Creamery Co., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for relabeling under the supervision of the Federal Security Agency.



## CHEESE

19784. Adulteration of muenster cheese and brick cheese. U. S. v. 51 Cases, etc.  
(F. D. C. No. 34127. Sample Nos. 33741-L, 33742-L.)

LIBEL FILED: November 17, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 15, 1952, by Max P. E. Radloff & Sons, Inc., from Hustisford, Wis.

PRODUCT: 51 cases and 600 pounds in bulk of muenster cheese, each case containing 29 pounds, and 14 cases containing a total of 615 pounds of brick cheese, at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product (both lots) consisted in whole or in part of a decomposed substance by reason of the presence of moldy cheese.

DISPOSITION: March 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to an institution, for use as animal feed.

19785. Misbranding of cheese food. U. S. v. 124 Cases \* \* \*. (F. D. C. No. 33516. Sample No. 7634-L.)

LIBEL FILED: August 6, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about July 16, 1952, by Clearfield Cheese Co., Inc., from Curwensville, Pa.

PRODUCT: 124 cases, each containing 10 cartons, of cheese food at Buffalo, N. Y.

LABEL, IN PART: (Carton) "Blue Ridge Brand Two Pounds Net Weight Ta-Chee Pasteurized Process American Cheese Food"; (wrapper) "Blue Ridge Brand Net Wt. 2 Lbs. Ta-Chee Cheese Food \* \* \* It contains \* \* \* not less than 22% milk fat."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for "Pasteurized Process Cheese Food" since the fat content of the article was less than 23 percent.

Further misbranding, Section 403 (g) (2), the product purported to be and was represented as "Pasteurized Process Cheese Food," a food for which a definition and standard of identity has been prescribed by regulations, and its label (carton) failed to bear, without intervening printed matter, the name of the food specified in the definition and standard since the word "American" intervened in the name of the food; its label (wrapper) failed to bear the name of the food specified in the definition and standard, namely, "Pasteurized Process Cheese Food"; and the wrapper label failed also to bear a conspicuous declaration of the ingredients contained therein since the statement of the ingredients was incomplete and almost illegible.

DISPOSITION: September 3, 1952. Default decree of condemnation and destruction.

## MISCELLANEOUS DAIRY PRODUCT

19786. Adulteration and misbranding of Qwip. U. S. v. 300 Cases \* \* \*.  
(F. D. C. No. 33182. Sample No. 3625-L.)

LIBEL FILED: April 17, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about March 7, 1952, by the Avoset Co., from San Francisco, Calif.

**PRODUCT:** 300 cases, each containing 24 7-fluid-ounce cans, of Qwip at Brentwood, Md.

**LABEL, IN PART:** (Can) "Qwip Guaranteed not to sour Contents 7 Fluid Ozs. Contains cream, sugar, artificial flavor (vanillin) stabilizer, sealed under pressure with nitrous oxide."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted therefrom.

Misbranding, Section 403 (g) (1), the article purported to be whipping cream, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard, which requires that whipping cream contain not less than 30 percent of milk fat, since the article contained less than 30 percent of milk fat.

**DISPOSITION:** On June 2, 1952, the Avoset Co. filed a claim and answer denying that the product was adulterated or misbranded as alleged in the libel. However, on January 14, 1953, the court granted the claimant's petition for leave to withdraw its claim and answer, entered judgment condemning the product, without prejudice, and ordered it destroyed.

## FISH AND SHELLFISH

**19787. Adulteration and misbranding of canned mackerel. U. S. v. 215 Cartons**  
\* \* \*. (F. D. C. No. 34614. Sample No. 51593-L.)

**LIBEL FILED:** January 16, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 14, 1952, by Franco-Italian Packing Co., Inc., from Terminal Island, Calif.

**PRODUCT:** 215 cartons, each containing 48 15-ounce cans, of mackerel at Kearny, N. J.

**LABEL, IN PART:** (Can) "Sea Ace Brand California Mackerel Packed in Water, Salt Added."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horse mackerel (jack mackerel) had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was horse mackerel (jack mackerel); and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

**DISPOSITION:** May 25, 1953. Franco-Italian Packing Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**19788. Adulteration of oysters. U. S. v. 224 Cans** \* \* \*. (F. D. C. No. 34508. Sample No. 41809-L.)

**LIBEL FILED:** December 24, 1952, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about December 16, 1952, by F. F. East, Inc., from Mauricetown, N. J.



PRODUCT: 224 cans of oysters in 2 barrels at Elizabethton, Tenn.

LABEL, IN PART: (Can) "Oysters Standards Contents One Pint Sailor Boy Brand Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 10, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

On February 12, 1953, it having been suggested to the court that the oysters might not be fit for human consumption because of the lapse of time since they were packed, the court entered an amended order which provided that if the marshal should be in doubt as to the suitability of the oysters for human food, the marshal should destroy them in lieu of delivering them to a charitable institution.

19789. Adulteration and misbranding of canned shrimp. U. S. v. 19 Cases \* \* \*. (F. D. C. No. 33024. Sample No. 21359-L.)

LIBEL FILED: On or about April 28, 1952, Southern District of Mississippi.

ALLEGED SHIPMENT: Between the approximate dates of July 10, 1951, and March 7, 1952, by the Morgan City Canning Co., from Houma, La.

PRODUCT: 19 cases, each containing 48 cans, of shrimp at Gulfport, Miss. Examination showed that code 5F20/SO of the article contained decomposed shrimp; that code OOSC/5181 consisted of oysters; and that codes 5F20/SO, 5F26/SO, and 5 2/SO failed to meet the standard of fill of container for canned shrimp and were short in drained weight.

LABEL, IN PART: (Can) "Bayou Rose Brand Wet Pack Shrimp Drained Wt. 5 Ozs."

NATURE OF CHARGE: Adulteration (cans coded 5F20/SO), Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding (cans coded OOSC/5181), Section 403 (b), the product was offered for sale under the name of another food. Further misbranding (cans coded 5F20/SO, 5F26/SO, and 5 2/SO), Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Drained Wt. 5 Ozs." was inaccurate; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned wet pack shrimp in nontransparent containers since the containers of the product were so filled that the cut-out weights of shrimp taken from each can were less than 64 percent of the water capacity of the containers and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: June 2, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

19790. Adulteration of prunes. U. S. v. 200 Cases \* \* \*. (F. D. C. No. 32969. Sample No. 1969-L.)

LIBEL FILED: March 21, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 28, 1950, and January 2, 1951, from Dallas, Oreg., and Oakland, Calif.

PRODUCT: 200 25-pound cases of prunes at Miami, Fla. Examination showed that the article contained mites and moldy and otherwise decomposed prunes.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1952. Levinson Food Specialties, Miami, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 1,075 pounds of the product were found unfit and were destroyed.

### VEGETABLES

19791. Adulteration of dried black-eyed peas. U. S. v. 325 Cases \* \* \*.  
(F. D. C. No. 33316. Sample Nos. 2040-L, 2041-L.)

LIBEL FILED: July 8, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 10, 1952, by Roy M. Day, from Turlock, Calif.

PRODUCT: 325 cases, each containing 24 1-pound bags, of dried black-eyed peas at Jacksonville, Fla.

LABEL, IN PART: (Bag) "Flaga Brand \* \* \* Packed For The Flaga Company Jacksonville, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: July 17, 1952. The Flaga Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by reprocessing and recleaning under the supervision of the Food and Drug Administration. The product was fumigated and screened to remove the insect-damaged peas and other filth.

19792. Adulteration of dehydrated Irish potatoes. U. S. v. 179 Bags \* \* \*.  
(F. D. C. No. 33559. Sample No. 2498-L.)

LIBEL FILED: On or about September 3, 1952, Northern District of Georgia.

ALLEGED SHIPMENT: At a time prior to June 9, 1952, from Chicago, Ill.

PRODUCT: 179 50-pound bags of dehydrated Irish potatoes at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.



## TOMATOES AND TOMATO PRODUCTS

19793. Adulteration of canned tomatoes. U. S. v. Mann Bros. Canning Co.  
Plea of guilty. Fine, \$1,000. (F. D. C. No. 32762. Sample Nos. 7488-L,  
9123-L, 25543-L.)

INFORMATION FILED: May 22, 1952, Southern District of Florida, against the  
Mann Bros. Canning Co., a corporation, Lakeland, Fla.

ALLEGED SHIPMENT: On or about May 11 and June 6, 1951, from the State of  
Florida into the States of New York, Illinois, and Pennsylvania.

LABEL, IN PART: (Can) "Apte Tomatoes" and "Russell's Best Standard  
Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted  
in part of a filthy substance by reason of the presence of fly eggs, larvae, and  
maggots.

DISPOSITION: July 23, 1952. A plea of guilty having been entered, the court  
fined the defendant \$1,000.

19794. Misbranding of canned tomatoes. U. S. v. 500 Cases \* \* \*. (F. D. C.  
No. 33577. Sample No. 2064-L.)

LIBEL FILED: September 5, 1952, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about July 25, 1952, by Cralle & Fallin, from Callao,  
Va.

PRODUCT: 500 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at  
Charleston, S. C.

LABEL, IN PART: (Can) "Southern Brand \* \* \* Tomatoes."

NATURE OF CHARGE: Adulteration, Section 403 (h) (1), the product fell below  
the standard of quality for canned tomatoes since it contained excessive peel  
and its label failed to bear a statement that it fell below the standard.

DISPOSITION: October 13, 1952. The shipper, claimant, having admitted the alle-  
gations in the libel, judgment of condemnation was entered and the court  
ordered that the product be released under bond to be relabeled under the  
supervision of the Food and Drug Administration.

19795. Misbranding of canned tomatoes. U. S. v. 69 Cases \* \* \*. (F. D. C.  
No. 33512. Sample No. 2053-L.)

LIBEL FILED: August 6, 1952, Southern District of Georgia.

ALLEGED SHIPMENT: On or about January 29 and March 31, 1952, by Markham  
Bros. & Co., from Okeechobee, Fla.

PRODUCT: 69 cases, each containing 48 10-ounce cans, of tomatoes at Vidalia, Ga.

LABEL, IN PART: "Oak Hill Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below  
the standard of quality for canned tomatoes since it contained excessive  
tomato peel and the label failed to bear a statement that the product fell below  
the standard.

DISPOSITION: October 8, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

19796. Adulteration of tomato catsup. U. S. v. Sweetser Packing Co., Inc., and Ira B. Jones. Pleas of nolo contendere. Corporation fined \$500 and individual defendant \$250, together with costs. (F. D. C. No. 32767. Sample Nos. 7003-L, 35487-L, 35488-L.)

INFORMATION FILED: April 2, 1952, Northern District of Indiana, against Sweetser Packing Co., Inc., Sweetser, Ind., and Ira B. Jones, president.

ALLEGED SHIPMENT: On or about September 24, 1951, from the State of Indiana into the States of Pennsylvania and Wisconsin.

LABEL, IN PART: "Pomco Brand Tomato Catsup Distributed by Potter-McCune Co. McKeesport, Pa" and "Sweetser Brand [or "Sweetser Fancy"] Tomato Catsup Packed by Sweetser Packing Co., Inc."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 16, 1952. Pleas of nolo contendere having been entered, the court fined the corporation \$500 and the individual \$250, together with costs.

19797. Adulteration of tomato puree. U. S. v. 484 Cases \* \* \*. (F. D. C. No. 33567. Sample No. 26590-L.)

LIBEL FILED: On or about September 10, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about June 11, 1952, from Richmond, Va. This was a return shipment.

PRODUCT: 484 cases, each containing 6 cans, of tomato puree at Winslow, N. J., in the possession of Delta Food Packers, Inc.

LABEL, IN PART: (Can) "Pocahontas Fancy Tomato Puree Contents 6 Lbs. 10 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 23, 1952. Default decree of condemnation and destruction.

## NUTS

19798. Adulteration of unshelled brazil nuts. U. S. v. 87 Bags \* \* \*. (F. D. C. No. 33497. Sample No. 49606-L.)

LIBEL FILED: July 29, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about March 13, 1952, from Youngstown, Ohio.

PRODUCT: 87 50-pound bags of unshelled brazil nuts at Jersey City, N. J.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed brazil nuts, and it was otherwise unfit for food by reason of the presence of empty shells. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 14, 1952. William A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Food and Drug Administration.

Segregation operations resulted in the salvaging of 2,500 pounds of unshelled nuts and in the rejection of 1,385 pounds. The rejected nuts were salvaged by the cracking of the nuts and the salvaging of the fit portion. The rejected material, consisting of 1,044 pounds of broken shells and 77 pounds of unfit kernels, was destroyed.

**19799. Adulteration of cashew nuts. U. S. v. 72 Cases \* \* \*. (F. D. C. No. 31910. Sample No. 30054-L.)**

**LIBEL FILED:** October 24, 1951, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 14, 1951, by Wm. A. Higgins & Co., Inc., from Oakland, Calif.

**PRODUCT:** 72 cases, each containing 2 25-pound tins, of cashew nuts at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** October 31, 1951. Wm. A. Higgins & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be segregated and sorted under the supervision of the Federal Security Agency. As a result of these operations, 50 pounds of the product were found unfit and were destroyed.

**19800. Adulteration of unshelled peanuts. U. S. v. 25 Bags \* \* \*. (F. D. C. No. 33522. Sample No. 48721-L.)**

**LIBEL FILED:** August 16, 1952, District of South Dakota.

**ALLEGED SHIPMENT:** On or about January 2, 1952, from Suffolk, Va.

**PRODUCT:** 25 100-pound bags of unshelled peanuts at Rapid City, S. Dak., in the possession of the Black Hills Albright Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 23, 1952. The Black Hills Albright Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Salvaging operations resulted in the removal and in the destruction of 143 pounds of unfit peanuts.

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Cralle & Fallin:		canned mackerel-----	19787
canned tomatoes-----	19794	Gallatin Valley Milling Co.:	
Day, R. M.:		wheat-----	19777
dried black-eyed peas-----	19791	Greeley Elevator Co.:	
Delta Food Packers, Inc.:		wheat-----	19771
tomato puree-----	19797		



	N. J. No.		N. J. No.
Higgins, Wm. A., & Co., Inc.:		Prentice Stores:	
cashew nuts-----	19799	tapioca flour-----	19764
Jones, I. B.:		Radloff, Max P. E., & Sons, Inc.:	
tomato catsup-----	19796	muenster cheese and brick	
Liberty Chocolate Co.:		cheese -----	19784
candy-----	19755	Smelkinson Bros. Corp.:	
Luden's, Inc.:		butter-----	19782
candy-----	19754	Sni-A-Bar Creamery Co.:	
Mann Bros. Canning Co.:		butter-----	19783
canned tomatoes-----	19793	Sweetser Packing Co., Inc.:	
Markham Bros. & Co.:		tomato catsup-----	19796
canned tomatoes-----	19795	Tidwell Fuel & Feed Co., Inc.:	
Morgan City Canning Co.:		flour-----	19761
canned shrimp-----	19789	Valporga & De Simoni:	
Occident Elevator Co.:		green coffee-----	19752
wheat-----	19768, 19769, 19774	Wheatland Elevator Co.:	
Potter-McCune Co.:		wheat-----	19776
tomato catsup-----	19796		

# THE

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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

19801-19850

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*  
WASHINGTON, D. C., *December 9, 1953.*

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**CEREALS AND CEREAL PRODUCTS\*****FLOUR**

**19801. Adulteration of flour. U. S. v. 164 Bags \* \* \*. (F. D. C. No. 33632. Sample No. 41886-L.)**

**LIBEL FILED:** August 7, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 12 and 14, 1952, from Seattle, Wash.

**PRODUCT:** 164 100-pound bags of flour at Fresno, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 8, 1952. The Fisher Flouring Mills Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into animal feed, under the supervision of the Federal Security Agency.

**19802. Adulteration of flour. U. S. v. 10 Bags, etc. (F. D. C. No. 33587. Sample Nos. 2229-L, 2230-L.)**

**LIBEL FILED:** September 11, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 7 and August 14, 1952, from Jacksonville, Fla.

**PRODUCT:** 22 100-pound bags of flour at Brunswick, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 26, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution after denaturing for use as animal feed.

**19803. Adulteration of flour. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 33706. Sample No. 19915-L.)**

**LIBEL FILED:** September 18, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about July 24, 1952, from Wichita, Kans.

**PRODUCT:** 45 50-pound bags of flour in possession of the S. Hamill Co., Keokuk, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable or tax-supported institution, for use as animal feed.

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\*See also No. 19838.



**19804. Adulteration of cracked wheat flour and rye meal. U. S. v. 2 Bags, etc.**  
(F. D. C. No. 33684. Sample Nos. 48623-L, 48624-L.)

**LIBEL FILED:** September 8, 1952, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 15 and 25, 1952, from Winona, Minn.

**PRODUCT:** 2 100-pound bags of cracked wheat flour and 15 100-pound bags of rye meal at Marshalltown, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 16, 1952. Default decree of forfeiture. The court ordered that the products be delivered to a charitable or public institution, for use as animal feed.

**19805. Adulteration of flour and cake mix. U. S. v. 6 Bags, etc. (F. D. C. No. 33583. Sample Nos. 2335-L to 2340-L, incl.)**

**LIBEL FILED:** September 9, 1952, Middle District of Georgia.

**ALLEGED SHIPMENT:** Between the approximate dates of May 14 and July 4, 1952, from Springfield, Ill., Memphis, Tenn., and Louisville, Ky.

**PRODUCT:** 137 100-pound bags of flour and 38 100-pound bags of cake mix at Columbus, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 15, 1952. The Southland Grocery Co., Columbus, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be denatured and converted to nonfood use, under the supervision of the Federal Security Agency.

#### MISCELLANEOUS CEREALS\*

**19806. Adulteration of corn. U. S. v. 100,000 Pounds \* \* \*. (F. D. C. No. 33672. Sample No. 61031-L.)**

**LIBEL FILED:** August 29, 1952, District of Nebraska.

**ALLEGED SHIPMENT:** On or about August 19, 1952, by J. M. Crawford, from Ida Grove, Iowa.

**PRODUCT:** 100,000 pounds of corn at Omaha, Nebr.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, tetrachlorobenzoquinone, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** September 4, 1952. J. M. Crawford, trading as the Crawford Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was reconditioned by washing and cleaning.

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\*See also No. 19805.



**19807. Adulteration of unpopped popcorn. U. S. v. 7 Bags, etc. (F. D. C. No. 33600. Sample Nos. 8519-L, 8520-L.)**

**LIBEL FILED:** July 26, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about August 9 and October 17, 1951, from Atchison, Kans.

**PRODUCT:** 32 bags, each containing 50 pounds, of unpopped popcorn at Syracuse, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 11, 1952. Default decree of condemnation and destruction.

**19808. Adulteration of rice. U. S. v. 36 Bags \* \* \*. (F. D. C. No. 33678. Sample No. 35590-L.)**

**LIBEL FILED:** September 6, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 21, 1951, and July 29, 1952, from De Witt, Ark.

**PRODUCT:** 36 100-pound bags of rice at Duluth, Minn., in the possession of the Twin Ports Wholesale Grocer.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 24, 1952. A default decree was entered ordering that the product be denatured for use as animal feed or be destroyed.

**19809. Adulteration of rice. U. S. v. 82 Bags \* \* \*. (F. D. C. No. 33570. Sample No. 2224-L.)**

**LIBEL FILED:** September 4, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 16, 1952, from New Orleans, La.

**PRODUCT:** 82 25-pound bags of rice at Jacksonville, Fla., in the possession of Hagin-Peters Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 22, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**19810. Adulteration of rice. U. S. v. 42 Bags \* \* \*. (F. D. C. No. 33558. Sample No. 2328-L.)**

**LIBEL FILED:** September 4, 1952, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about June 3, 1952, from De Witt, Ark.

**PRODUCT:** 42 25-pound bags of rice at Savannah, Ga.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 26, 1952. Sam S. Berman Co., Ltd., Savannah, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

The claimant subsequently having indicated that it did not wish to take possession of the product, an amended decree was entered on January 5, 1953, providing for the denaturing of the product and its delivery to a charitable institution, for use as animal feed.

**19811. Adulteration of wheat. U. S. v. 1,500 Bushels \* \* \*. (F. D. C. No. 33642. Sample No. 65583-L.)**

**LIBEL FILED:** August 15, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 21, 1952, by the Farmers Union Grain Terminal Association, from Joplin, Mont.

**PRODUCT:** 1,500 bushels of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** August 26, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The seized wheat, totaling 88,110 pounds, was reprocessed by scouring, resulting in the salvaging of 80,340 pounds of wheat and in the destruction of the remainder.

**19812. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33617. Sample No. 48968-L.)**

**LIBEL FILED:** July 31, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 7, 1952, by the Farmers Union Grain Co., from Peerless, Mont.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** August 13, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring under the supervision of the Federal Security Agency. Of the 88,080 pounds of wheat which was seized, 85,330 pounds of cleaned grain were released and 2,750 pounds of scourings were destroyed.



19813. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33619. Sample No. 48970-L.)

**LIBEL FILED:** August 1, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 8, 1952, by the Farmers Elevator Co., from Mooreton, N. Dak.

**PRODUCT:** 1 carload of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** August 11, 1952. The Farmers Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed for seed purposes, under the supervision of the Federal Security Agency. The grain was reprocessed by spraying with a purple coloring.

19814. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33608. Sample No. 48964-L.)

**LIBEL FILED:** July 31, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 2, 1952, by the Gallatin Valley Milling Co., from Choteau, Mont.

**PRODUCT:** 1 carload of wheat at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

**DISPOSITION:** August 15, 1952. The Atwood-Larson Co., Duluth, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by distillation into industrial alcohol, under the supervision of the Federal Security Agency.

On October 1, 1952, the decree was amended to substitute the Farmers Union Grain Terminal Association as claimant and to provide for reprocessing by scouring. The cleaned grain, consisting of 119,060 pounds, was released, and the scourings, consisting of 4,280 pounds, were destroyed.

19815. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33614. Sample No. 65264-L.)

**LIBEL FILED:** July 31, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 11, 1952, by Bert Henry & Sons, from Dunning, N. Dak.

**PRODUCT:** 1 carload of wheat at St. Paul, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 13, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judg-



ment of condemnation was entered and the court ordered that the product be released under bond, conditioned that a quantity of flax that was in the car be removed and the wheat reprocessed by scouring under the supervision of the Federal Security Agency. The wheat was scoured, resulting in the release of 54,310 pounds of clean grain and in the destruction of 2,650 pounds of scourings.

**19816. Adulteration of wheat. U. S. v. 1 Carload \* \* \*. (F. D. C. No. 33598. Sample No. 48960-L.)**

**LIBEL FILED:** July 24, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about July 9, 1952, by the Kildeer Equity Elevator Co., from Kildeer, N. Dak.

**PRODUCT:** 1 carload of wheat at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 1, 1952. The Farmers Union Grain Terminal Association, St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed by scouring, under the supervision of the Federal Security Agency. Of the 90,780 pounds seized, 88,530 pounds of cleaned grain were released and 2,250 pounds of scourings and cracked kernels were destroyed.

## DAIRY PRODUCTS

### BUTTER

**19817. Adulteration of butter. U. S. v. Frank J. Figge (West Point Creamery). Plea of guilty. Fine of \$25 and costs. (F. D. C. No. 33802. Sample No. 18993-L.)**

**INFORMATION FILED:** October 29, 1952, District of Nebraska, against Frank J. Figge, trading under the name West Point Creamery, West Point, Nebr.

**ALLEGED SHIPMENT:** On or about October 6, 1951, from the State of Nebraska into the State of Iowa.

**LABEL, IN PART:** (Parchment wrapper) "Armour Cloverbloom Butter \* \* \* Armour Creameries Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 20, 1952. A plea of guilty having been entered, the court imposed a fine of \$25, together with costs.

**19818. Adulteration and misbranding of butter. U. S. v. Edward V. Jones (West Point Creamery). Plea of guilty. Fine of \$25 and costs. (F. D. C. No. 33802. Sample No. 15324-L.)**

**INFORMATION FILED:** October 29, 1952, District of Nebraska, against Edward V. Jones, formerly trading under the name West Point Creamery, West Point, Nebr.



ALLEGED SHIPMENT: On or about July 14, 1951, from the State of Nebraska into the State of Iowa.

LABEL, IN PART: (Parchment wrapper) "Armour Cloverbloom Butter One Pound Net Weight Armour Creameries Chicago Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which the article was represented to be.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the parchment wrappers contained less than the declared "One Pound Net Weight."

DISPOSITION: November 20, 1952. A plea of guilty having been entered, the court imposed a fine of \$25, together with costs.

### MISCELLANEOUS DAIRY PRODUCT

19819. Adulteration and misbranding of Pream. U. S. v. 318 Cases \* \* \*.  
(F. D. C. No. 33589. Sample No. 36209-L.)

LIBEL FILED: September 10, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 4, 1952, by the M & R Dietetic Laboratories, from Sturgis, Mich.

PRODUCT: 318 cases, each containing 24 cans, of Pream at Cincinnati, Ohio.

LABEL, IN PART: (Can top) "Instant Pream New! Coffee Cream"; (can side) "Pream Coffee Cream Product Fresh Cream, Lactose, Non-Fat Milk Solids \* \* \* Made By M & R Dietetic Laboratories Columbus, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing substances other than cream, including substances in the nature of lactose, had been substituted for coffee cream, which the article was represented to be.

Misbranding, Section 403 (a), the label statements "Coffee Cream" and "Coffee Cream Product" were false and misleading as applied to a product which consisted chiefly of lactose, dried milk or cream, and a small amount of nonfat dry milk solids; and, Section 403 (g) (1), the article purported to be and was represented as coffee cream, a food for which a definition and standard of identity has been prescribed by the regulations, and it failed to conform to such definition and standard since it contained lactose, dried milk or cream, and nonfat dry milk solids, which are not permitted as ingredients of coffee cream in the regulations.

DISPOSITION: October 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable organizations to be used by the inmates as food but not for sale or other use.

### EGGS

19820. Adulteration of frozen eggs. U. S. v. 200 Cans, etc. (F. D. C. Nos. 33688, 33698. Sample No. 14614-L.)

LIBEL FILED: September 18, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about August 11, 1952, by the Clary Poultry & Egg Co., from Lubbock, Tex.

PRODUCT: 400 cans, each containing 30 pounds of frozen eggs at Denver, Colo.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** October 1, 1952. The Clary Poultry & Egg Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit portion from the unfit, under the supervision of the Federal Security Agency. 175 cans of the product were found unfit and were converted for use as animal feed.

**19821. Adulteration of frozen eggs. U. S. v. 107 Cans \* \* \*. (F. D. C. No. 33703. Sample No. 14617-L.)**

**LIBEL FILED:** September 18, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 16, 1952, by the Sherman Produce Co., from Sioux City, Iowa.

**PRODUCT:** 107 cans, each containing 30 pounds, of frozen eggs at Denver, Colo.

**LABEL, IN PART:** (Can) "From The Rhodes Ranch Egg Co. Rhodes Frozen Egg Whole \* \* \* Denver, Colorado."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** October 21, 1952. The Sherman Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. The 76 cans that actually were seized were examined, and 6 cans were found to be bad and were destroyed.

## FEEDS AND GRAINS

**19822. Adulteration and misbranding of alfalfa meal. U. S. v. Southwestern Alfalfa Mills, Inc., and Harold E. Clark. Pleas of nolo contendere. Fine of \$30, plus costs, against each defendant. (F. D. C. No. 33811. Sample No. 378-L.)**

**INFORMATION FILED:** November 10, 1952, District of Nebraska, against Southwestern Alfalfa Mills, Inc., Lexington, Nebr., and Harold E. Clark, president of the corporation.

**ALLEGED SHIPMENT:** On or about August 2, 1951, from the State of Nebraska into the State of Kansas.

**LABEL, IN PART:** "Alfalfa Meal H. E. Clark Company Winfield Kansas 17% Dehydrated Alfalfa Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 17 percent of protein had been substituted for a product containing 17 percent of protein, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Guaranteed Analysis Crude Protein, Not Less Than 17.0%" was false and misleading since the article contained less than 17 percent of protein.

**DISPOSITION:** On February 3, 1953, upon motion of the defendants for transfer of the proceedings pursuant to Rule 21 (b) of the Federal Rules of Criminal Procedure, an order was entered directing the transfer of the case to the



District of Kansas. On March 12, 1953, the defendants having entered pleas of nolo contendere, the court fined each defendant \$30, plus costs.

**19823. Adulteration and misbranding of cattle fattener. U. S. v. Schreiber Mills, Inc. Plea of guilty. Fine, \$125 and costs. (F. D. C. No. 33730. Sample No. 145-L.)**

**INFORMATION FILED:** November 4, 1952, Western District of Missouri, against Schreiber Mills, Inc., St. Joseph, Mo.

**ALLEGED SHIPMENT:** On or about August 22, 1951, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "Lassy 22% Cattle Fattener."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, protein and urea, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "22% Cattle Fattener Guaranteed Analysis Total Crude Protein and equivalent, not less than 22.00% \* \* \* 3% Urea Equivalent Crude Protein from nonprotein nitrogen 7.86%" were false and misleading since the total crude protein and protein equivalent contained in the article was less than 22 percent; the article contained urea in an amount less than 3 percent; and it contained equivalent crude protein from nonprotein nitrogen in an amount less than 7.86 percent.

**DISPOSITION:** November 25, 1952. A plea of guilty having been entered, the court fined the defendant \$125 and costs.

## FISH AND SHELLFISH

**19824. Adulteration of frozen sauger fillets and frozen blue fillets. U. S. v. 184 Cases, etc. (and two other seizure actions). Tried to the court. Verdict for the Government. Decrees of condemnation. (F. D. C. Nos. 33412, 33413. Sample Nos. 33792-L to 33796-L, incl.)**

**LIBELS FILED:** June 23, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about September 22 and 25, October 11, and November 29, 1951, by Admiral Fisheries, from Wheatley, Ontario, Canada.

**PRODUCT:** 184 cases, each containing 6 5-pound packages, and 53 cases, each containing 10 5-pound packages, of frozen sauger fillets, and 4 cases, each containing 10 5-pound packages, of frozen blue fillets, at Detroit, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed fish.

**DISPOSITION:** Admiral Fisheries appeared as claimant and filed answers in each of the three libel actions, denying that the products were adulterated. Thereafter the Government served a set of written interrogatories upon the claimant. The interrogatories were answered, and the three libel actions then were consolidated for purposes of trial. The trial began on April 14, 1953, and at its conclusion on April 15, 1953, the court announced its findings of fact and conclusions of law as follows:

**THORNTON, District Judge:** "These three matters had been consolidated for the purpose of this hearing, and in Case No. 11839, Case No. 11840 and Case No. 11841 the issues were identical and I believe the pleadings corroborate that fact; and, the issue under consideration for determination is whether or not the 'examination shows the article contains decomposed fish,'—and this is in relation to all three cases—and '4. That the aforesaid article was adulterated when introduced into and while in interstate commerce within the meaning of 21



U. S. C. 342 [402] (a) (3), in that it consists wholly or in part of a decomposed substance by reason of presence therein of decomposed fish.'

"I find as a fact, from the testimony adduced at this hearing, that the Government has established by a preponderance of the evidence that the article of fish contained in each of the three separate actions was and did contain decomposed fish, and I further find as a fact in relation to each separate action that the article involved in each action, the fish, was adulterated when introduced and while in interstate commerce within the meaning of 21 U. S. C. 342 [402] (a) (3), in that it consisted, in part, of a decomposed substance by reason of presence therein of decomposed fish.

"I further find as a fact that the samples withdrawn by the Government Agents were extensive, to the degree that they were representative of the entire shipment in each matter.

"I further find as a fact that the Government Agents, at least Mr. Coulter and Mr. Shelton, have a scientific background, in that they are both graduate bacteriologists with a long period of experience in examining fish. And, I find further as a fact that Mr. Finsilver and Mr. Samson also have a background in the fish business of many years and are also experienced, in an unscientific degree, in the examination of fish.

"I find as a fact that the Government Agents or officials who conducted the examination for the United States of America, the moving party in this action, were unbiased in their opinion and took the subject matter as they found it; one conducted an examination in Chicago and another in Washington, of the fish that was submitted to them; and that their testimony was, to say the least, completely, unbiased.

"I did not question and do not question, the integrity of either Mr. Samson or Mr. Finsilver. However, I can't escape the fact that Mr. Finsilver has a monetary interest in the outcome of this action and it would be only natural for him, to some degree at least, to be controlled in his examination of the fish by this monetary interest that he has. And, that is no reflection on him; that is a natural impulse.

"However, in relation to the examination made by Mr. Finsilver and by Mr. Samson, I find as a fact that there was at least a degree of corroboration of the fact that at least a portion of the fish was decomposed, because that is their testimony.

"I find as a fact that the exhibit submitted by the Robison Laboratories is not entitled to any consideration or to be given any weight by the Court for two reasons:

"First, the testimony in relation to the analysis made by that laboratory indicated that the fish, before it was thawed out, was sawed and a small portion of the fish was used in an analysis of the fish. So that, unlike the examination made by both the Government and by Mr. Finsilver and his customer, Mr. Samson, the Robison Laboratories did not make a complete examination of the fish that was submitted to them.

"I further find as a fact that the exhibit submitted by the Robison Laboratories is not entitled to any consideration by the Court or to be given any weight, because the examination was directed towards an investigation of whether or not the fish was fit for human consumption, and that is an element that is foreign to the pleadings.

"So, from all the testimony, I feel that I am entitled to, and should, accept the examination and the conclusions drawn by the Agents for the Government in relation to the fact that their testimony adduced the fact that the fish drawn from all three shipments were decomposed, and I do so find.

"And, I therefore conclude, as a matter of law, that a decree of condemnation should be entered."

In accordance with such findings and conclusions, the court, on May 12, 1953, entered a decree of condemnation in each of the three libel actions and ordered that the products be delivered to a Federal institution, for use as fertilizer.

19825. Adulteration and misbranding of canned tuna. U. S. v. 237 Cases \* \* \*.

(F. D. C. No. 33610. Sample No. 49001-L.)

LIBEL FILED: August 1, 1952, District of Minnesota.



**ALLEGED SHIPMENT:** On or about May 28, 1952, by Sea Brands, Inc., from Seattle, Wash.

**PRODUCT:** 237 cases, each containing 48 6-ounce cans, of tuna at St. Paul, Minn.

**LABEL, IN PART:** (Can) "Blue Rock Brand Grated Light Meat Tuna Fish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

Misbranding, Section 403 (a), the designation "Light Meat" borne on the label was false and misleading as applied to the article, which contained substantial proportions of dark brown and black meat.

**DISPOSITION:** September 12 1952. Default decree of condemnation. The court ordered that the U. S. marshal denature the product for use as animal feed or destroy it.

19826. Adulteration of oysters. U. S. v. 304 Cans \* \* \*. (F. D. C. No. 33694. Sample No. 39396-L.)

**LIBEL FILED:** September 17, 1952, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 9, 1952, by Carol Dryden & Co., Inc., from Crisfield, Md.

**PRODUCT:** 304 1-pint cans of oysters at Monroe, La.

**LABEL, IN PART:** (Can) "Oysters Selects One Pint Pride of the Chesapeake."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** October 15, 1952. Default decree of condemnation and destruction.

19827. Adulteration of oysters. U. S. v. 224 Cans \* \* \*. (F. D. C. No. 33697. Sample No. 57423-L.)

**LIBEL FILED:** September 15, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 10, 1952, C. W. Howeth and Bro., from Crisfield, Md.

**PRODUCT:** 224 1-pint cans of oysters at York, Pa.

**LABEL, IN PART:** "Oysters Selects One Pint H & B Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** October 17, 1952. Default decree of condemnation and destruction.

19828. Misbranding of frozen shrimp. U. S. v. 9 Cartons, etc. (F. D. C. No. 33700. Sample No. 54914-L.)

**LIBEL FILED:** September 15, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about July 30, 1952, by the Sea Pak Corp., from St. Simons Island, Ga.



**PRODUCT:** 9 cartons, each containing 10 16-20 count boxes, and 15 cartons, each containing 10 21-25 count boxes, of frozen shrimp at Grand Rapids, Mich.

**LABEL, IN PART:** "Aero Foods Sea Foods By Air Glazed Weight 3 Pounds When Packed P. D. Q. Shrimp Peeled, Deveined, Quick Fresh Frozen."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Weight 3 Pounds When Packed" was inaccurate. (The packages contained less than the declared weight.)

**DISPOSITION:** December 4, 1952. The Sea Pak Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19829. Misbranding of canned grapefruit. U. S. v. 141 Cases \* \* \*. (F. D. C. No. 33691. Sample No. 8728-L.)**

**LIBEL FILED:** September 13, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about June 18, 1952, by Southern Fruit Distributors, Inc., from Orlando, Fla.

**PRODUCT:** 141 cases, each containing 24 cans, of grapefruit at Schenectady, N. Y.

**LABEL, IN PART:** "Bluebird Brand Florida Grapefruit \* \* \* Contents 1 Lb. or 453 grams."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Grapefruit" was false and misleading since the product contained grapefruit and orange; and, Section 403 (i), the label failed to bear the common or usual name of the product, namely, "grapefruit and orange."

**DISPOSITION:** November 19, 1952. Default decree of condemnation. The court ordered that the product be released to a charitable institution for its use and not for sale.

### JAMS, JELLIES, AND PRESERVES

**19830. Misbranding of fruit preserves. U. S. v. Mitchell Syrup & Preserve Co. Plea of nolo contendere. Fine, \$3,000. (F. D. C. No. 33803. Sample Nos. 10203-L to 10205-L, incl., 54037-L to 54039-L, incl.)**

**INFORMATION FILED:** October 23, 1952, Eastern District of Michigan, against the Mitchell Syrup & Preserve Co., a corporation, Detroit, Mich.

**ALLEGED SHIPMENT:** Between the approximate dates of February 11 and April 28, 1952, from the State of Michigan into the State of Illinois.

**LABEL, IN PART:** "Contents 2 Lbs. Avd. Dainty Lunch Brand Pure Apple Strawberry [or "Blackberry" or "Raspberry"] Preserves."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products failed to conform to the respective definitions and standards of identity for apple-strawberry, apple-blackberry, and apple-raspberry preserves since they were made from mixtures composed of less than 45 parts by weight of the respective



fruit ingredients to each 55 parts by weight of the optional saccharine ingredients specified in the standard.

DISPOSITION: October 30, 1952. A plea of nolo contendere having been entered, the court fined the defendant \$3,000.

19831. Misbranding of plum jam, peach jam, and grape jelly. U. S. v. 12 Cases, etc. (F. D. C. No. 34601. Sample Nos. 61142-L to 61144-L, incl.)

LIBEL FILED: January 15, 1953, District of Kansas.

ALLEGED SHIPMENT: On or about October 24, 1952, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 12 cases, each containing 6 cans, of plum jam, 34 cases, each containing 6 cans, of peach jam, and 28 cases, each containing 6 cans, of grape jelly, at Leavenworth, Kans.

LABEL, IN PART: (Can) "Garvey's Plum [or "Peach"] Jam 8¼ lb. Net Weight" or "Garvey's Grape Jelly \* \* \* 8¼ lb. Net Weight."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), (plum jam and peach jam) the products failed to bear labels containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 8¼ pounds; and, Section 403 (g) (1), (all products) the products failed to conform to the definitions and standards of identity for plum jam, peach jam, and grape jelly since the soluble-solids content of the products was less than 65 percent.

DISPOSITION: April 8, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled under the supervision of the Food and Drug Administration.

## VEGETABLES

19832. Adulteration and misbranding of canned lima beans. U. S. v. 46 Cases \* \* \*. (F. D. C. No. 33654. Sample No. 22701-L.)

LIBEL FILED: August 25, 1952, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 19, 1952, by the Fresh Canning Co., from Spiro, Okla.

PRODUCT: 46 cases, each containing 48 15-ounce cans, of lima beans at Alexandria, La.

LABEL, IN PART: (Can) "Baby Shug Green & White Baby Lima Beans."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried soaked lima beans had been substituted for canned lima beans.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned lima beans since the vegetable ingredient was not obtained by proper preparation from the succulent vegetable as required by the definition and standard. The product was prepared from dried soaked lima beans.

DISPOSITION: October 20, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.



**19833. Adulteration and misbranding of canned lima beans. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 33653. Sample No. 22700-L.)**

**LIBEL FILED:** August 21, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about May 21, 1952, by the Fresh Canning Co., from Spiro, Okla.

**PRODUCT:** 44 cases, each containing 48 15-ounce cans, of lima beans at Baton Rouge, La.

**LABEL, IN PART:** (Can) "Baby Shug Green & White Baby Lima Beans."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing dried soaked lima beans had been substituted for canned lima beans, which the article was represented to be.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as canned lima beans, a food for which a definition and standard of identity has been prescribed by the regulations, and it failed to conform to such definition and standard. The definition and standard of identity provides that the vegetable ingredient of canned lima beans is obtained by proper preparation from the succulent vegetable, whereas the article was prepared from dried soaked lima beans.

**DISPOSITION:** October 13, 1952. The Fresh Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

**19834. Adulteration of canned red beans. U. S. v. 63 Cases \* \* \*. (F. D. C. No. 33652. Sample No. 64821-L.)**

**LIBEL FILED:** August 20, 1952, District of South Dakota.

**ALLEGED SHIPMENT:** During the latter part of 1945 or the early part of 1946, from Cambridge, Md.

**PRODUCT:** 63 cases, each containing 48 15½-ounce cans, of red beans at Mitchell, S. Dak.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 23, 1952. The consignee having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

## TOMATOES AND TOMATO PRODUCTS

**19835. Adulteration of canned tomatoes. U. S. v. 624 Cases \* \* \*. (F. D. C. No. 34128. Sample No. 39313-L.)**

**LIBEL FILED:** November 13, 1952, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about October 1, 1952, by Phillips Sales Co., Inc., from Cambridge, Md.

**PRODUCT:** 624 cases, each containing 24 1-pound cans, of tomatoes at Norfolk, Va.

**LABEL, IN PART:** (Can) "Phillips Delicious \* \* \* Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 26, 1953. Default decree of condemnation and destruction.

**19836. Adulteration of tomato catsup. U. S. v. 266 Cases \* \* \*. (F. D. C. No. 33616. Sample No. 4330-L.)**

**LIBEL FILED:** On or about August 14, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 1, 1952, by Gibbs & Co., Inc., from Baltimore, Md.

**PRODUCT:** 266 cases, each containing 24 14-ounce bottles, of tomato catsup at New Orleans, La.

**LABEL, IN PART:** "Gibbs Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** September 15, 1952. Default decree of condemnation and destruction.

**19837. Adulteration of tomato sauce. U. S. v. 247 Cases \* \* \*. (F. D. C. No. 33696. Sample No. 46370-L.)**

**LIBEL FILED:** September 15, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 29 and March 1, 1952, from Fullerton, Calif.

**PRODUCT:** 247 cases, each containing 72 8-ounce cans, of tomato sauce at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 8, 1952. Hunt Foods, Inc., Fullerton, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Federal Security Agency. 80 cases and 44 cans were salvaged and released to the claimant, and approximately 160 cases were destroyed.

## OILS AND FATS

**19838. Adulteration and misbranding of table and cooking oil, misbranding of olive oil, and adulteration of macaroni and spaghetti. U. S. v. Chicago Macaroni Co. and Steve Matalone and Joseph S. Matalone. Pleas of nolo contendere. Fine of \$3,000, plus costs, against defendants jointly. (F. D. C. No. 32794. Sample Nos. 14772-L, 14773-L, 15133-L, 15366-L, 15724-L, 16197-L, 19200-L, 32340-L, 35503-L, 48213-L, 48214-L.)**

**INFORMATION FILED:** July 24, 1952, Northern District of Illinois, against the Chicago Macaroni Co., a corporation, Chicago, Ill., and Steve Matalone, president, and Joseph S. Matalone, secretary, of the corporation.



**ALLEGED SHIPMENT:** Between the approximate dates of November 2, 1950, and December 6, 1951, from the State of Illinois into the States of Missouri, Nebraska, and Minnesota.

**LABEL, IN PART:** "Extra Cyrilla \* \* \* Virgin Imported Pure Olive Oil," "Italy Brand Table Oil Blend An Excellent Composition of Eighty Per Cent of Corn Oil and Twenty Per Cent of Imported Olive Oil," "Cyrilla Macaroni," and "Spaghettini \* \* \* Cyrilla."

**NATURE OF CHARGE:** Table and cooking oil. Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the article; and, Section 402 (b) (2), a product which contained little or no olive oil had been substituted for a blend of 80 percent of corn oil and 20 percent of olive oil, which the article was represented to be. Misbranding, Section 403 (a), the label statement "Twenty Per Cent of Imported Olive Oil" was false and misleading as applied to the article, which contained little or no olive oil; and, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Gallon" was inaccurate (this portion of the article was short in volume).

Olive oil. Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Gallon" was inaccurate (the article was short in volume).

Macaroni and spaghetti. Adulteration, Section 402 (a) (3) the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** October 30, 1952. The defendants having entered pleas of nolo contendere, the court imposed a fine of \$3,000, plus costs, against the defendants jointly.

**19839. Adulteration and misbranding of table and cooking oil. U. S. v. 45 Cans \* \* \*. (F. D. C. No. 33422. Sample Nos. 33233-L, 33234-L.)**

**LIBEL FILED:** June 27, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about February 11 and April 8, 1952, by Roma Macaroni Mfg. Co., Inc., from Chicago, Ill.

**PRODUCT:** 45 1-gallon cans of table and cooking oil at Detroit, Mich.

**LABEL, IN PART:** "Preston Brand Cooking Oil A Delicious Blend of 75% Corn Oil and 25% Pure Olive Oil Packed By Illinois Oil Packing & Distributing Company Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the article; and, Section 402 (b) (2), a mixture of corn oil and peanut oil with less than 25 percent olive oil had been substituted for a blend of 75 percent corn oil and 25 percent olive oil.

Misbranding, Section 403 (a), the label statement "A \* \* \* Blend of 75% Corn Oil and 25% \* \* \* Olive Oil" was false and misleading.

**DISPOSITION:** August 19, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use.



## POULTRY

19840. Action to enjoin and restrain the interstate shipment of dressed poultry. U. S. v. Joe Michael Hudlow (Hudlow Poultry Co.). Injunction denied. (Inj. No. 252.)

COMPLAINT FILED: July 8, 1952, Northern District of Georgia, against Joe Michael Hudlow, trading as the Hudlow Poultry Co., at Flowery Branch, Ga.

NATURE OF CHARGE: That the defendant had been and was at the time introducing and delivering for introduction into interstate commerce, at Flowery Branch, Ga., quantities of dressed poultry which were adulterated within the meaning of Section 402 (a) (4), in that the poultry had been and was still being prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendant's plant resulted from, and consisted of, the presence of flies and other insects on equipment and in the chill vats where poultry was chilled; the absence of screening on a number of windows and large holes in the door screen; the improper drainage of water from the vicinity of the plant; the lack of adequate toilet facilities; the absence of washing facilities for employees; the expectoration on the floor by employees; the presence of open containers of decomposing and fermenting offal in close proximity to the plant; the presence of blood on wooden floors and walls inside the plant; the use of filthy water in the wash and rinse vats; and the use of dirty ice for packing the finished poultry.

The complaint alleged also that the defendant had been warned of the insanitary conditions in the plant by a number of plant inspections and that, despite such warnings, the defendant failed to improve the plant's condition and continued to introduce into interstate commerce adulterated dressed poultry.

DISPOSITION: The case came on for trial before the court on or about July 12, 1952, and at the conclusion of the trial, the matter was taken under advisement by the court. On May 13, 1953, the court handed down its findings of fact and judgment as follows:

SLOAN, *District Judge*: "The United States brings this complaint under Section 302 (a) of the Federal Food, Drug and Cosmetic Act (21 U. S. C. 332 (a)), hereinafter referred to as the Act, charging that the defendant is engaged in buying live poultry, dressing same and selling and introducing same into interstate commerce as articles of food, and that same is being prepared under described insanitary conditions thereby rendering said food contaminated within the meaning of the Act. The complaint seeks a temporary and perpetual injunction against the acts complained of.

"The defendant makes answer and admits that he is engaged in the business alleged but denies the alleged insanitary conditions and denies that the food is contaminated or adulterated.

"The cause came on for trial before the Court without a jury.

## FINDINGS OF FACT

"At the time of the filing of the complaint the defendant was engaged in the business of buying live poultry and dressing same in his poultry dressing plant at Flowery Branch, Georgia, said dressed poultry being sold as food in interstate commerce.

"The conditions under which said poultry was dressed were insanitary in that:



1. There were holes in some of the window screens permitting flies to enter.
2. There was improper drainage of water in the vicinity of the plant.
3. There was lack of adequate toilet facilities for employees.
4. There was a lack of washing facilities for employees.
5. Outside privies were maintained.
6. Offal was in open containers.

"Repeated inspections and warnings had not caused the defendant to correct the insanitary conditions.

"After the complaint was filed, the defendant started to correct the insanitary conditions complained of, and on July 12, 1952, the date of the hearing, considerable progress had been made toward correcting the same.

"In view of the defendant's efforts and progress toward correcting the insanitary conditions, the Court withheld judgment, directing that the insanitary conditions be promptly corrected and that inspection and supervision continue.

"The latest report from the Chief Inspector of the Atlanta District of the Food and Drug Administration indicates that the insanitary conditions have been now almost completely corrected.

"The grant of the injunction as prayed is authorized, but not required.

#### JUDGMENT

"The defendant is directed to promptly see that all screens are properly fitted. The floor of the holding room must be promptly repaired and the odor eliminated. The drain to the one lavatory must be repaired to carry the waste water away from the premises and adequate toilet paper must be supplied at all times.

"Plaintiff may within twenty days file a motion to re-open the case if the above directions are not complied with.

"An injunction is denied.

"The plaintiff shall have and recover of the defendant the costs of this action."

**19841. Adulteration of dressed poultry. U. S. v. 1,147 Pounds \* \* \*. (F. D. C. No. 33502. Sample No. 26321-L.)**

**LIBEL FILED:** On or about August 11, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 23, 1952, by the Ace Poultry Co., from Wilmington, Del.

**PRODUCT:** 1,147 pounds of dressed poultry in 18 crates at Camden, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** October 24, 1952. Default decree of condemnation. The court ordered that the Food and Drug Administration be permitted to take 4 crates of the product and that the remainder be destroyed.

**19842. Adulteration of dressed poultry. U. S. v. 1,022 Pounds \* \* \*. (F. D. C. No. 33520. Sample No. 49514-L.)**

**LIBEL FILED:** On or about August 15, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 29, 1952, by the Small Bros. Poultry Farms, from Lakewood, N. J.

**PRODUCT:** 1,022 pounds of dressed poultry in 14 crates at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds

which were contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: October 30, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19843. Adulteration of dressed poultry. U. S. v. 163 Pounds \* \* \*. (F. D. C. No. 33501. Sample No. 44228-L.)**

LIBEL FILED: July 29, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 25, 1952, by the Maine Poultry Co., from Bangor, Maine.

PRODUCT: 163 pounds of dressed poultry in three crates at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with dirt, manure, and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: August 18, 1952. Default decree of condemnation and destruction.

**19844. Adulteration of dressed poultry. U. S. v. 120 Pounds \* \* \*. (F. D. C. No. 33607. Sample No. 38839-L.)**

LIBEL FILED: On or about August 5, 1952, Western District of Virginia.

ALLEGED SHIPMENT: On or about July 10, 1952, by the W. U. Laws Poultry Co., from Roxboro, N. C.

PRODUCT: 120 pounds of dressed poultry in 2 crates at Danville, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of chickens which were contaminated with fecal matter and crop material.

DISPOSITION: September 26, 1952. Default decree of condemnation and destruction.

**19845. Adulteration of dressed poultry. U. S. v. 1 Crate \* \* \*. (F. D. C. No. 33507. Sample No. 49510-L.)**

LIBEL FILED: August 4, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about July 10, 1952, by the Spencer Produce Co., from Dayton, Va.

PRODUCT: 1 67-pound crate of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 11, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19846. Adulteration of dressed turkeys. U. S. v. 122 Pounds \* \* \*. (F. D. C. No. 33552. Sample No. 49517-L.)**

LIBEL FILED: On or about August 26, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13, 1952, by the Spencer Produce Co., from Dayton, Va.

PRODUCT: 122 pounds of dressed turkeys in 2 crates at New York, N. Y.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** October 3, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19847. Adulteration of dressed turkeys. U. S. v. 254 Pounds \* \* \*. (F. D. C. No. 33548. Sample No. 49516-L.)**

**LIBEL FILED:** August 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 12, 1952, by H. L. Custer Poultry, from Hinton, Va.

**PRODUCT:** 254 pounds of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

**DISPOSITION:** September 29, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**19848. Adulteration and misbranding of Tabucaps multiple vitamins. U. S. v. 16 Bottles \* \* \*. (F. D. C. No. 33592. Sample No. 38157-L.)**

**LIBEL FILED:** September 12, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 17, 1952, by Faraday Laboratories, from Newark, N. J.

**PRODUCT:** 16 bottles, each containing 100 Tabucaps multiple vitamins at New York, N. Y.

**LABEL, IN PART:** (Bottle) "Tabucaps Multiple Vitamins with B-12 \* \* \*  
Each Tabucap Contains: \* \* \* Vitamin D . . . 2,000 USP Units  
\* \* \* Each Tabucap supplies the following minimum adult daily requirements \* \* \* 500% Vitamin D."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements, "Each Tabucap Contains: \* \* \* Vitamin D . . . 2,000 USP Units" and "Each Tabucap supplies \* \* \* 500% Vitamin D" were false and misleading as applied to a product which contained less than the declared amount of vitamin D. (Analysis showed that the product contained approximately 50 percent of the declared amount of vitamin D.)

**DISPOSITION:** October 28, 1952. Default decree of condemnation and destruction.

**19849. Adulteration of vitamin B complex with iron tablets. U. S. v. 1 Drum \* \* \*. (F. D. C. No. 33599. Sample No. 13750-L.)**

**LIBEL FILED:** On or about August 8, 1952, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about July 12, 1949, from St. Louis, Mo.



PRODUCT: 1 drum containing approximately 24,000 vitamin B complex with iron tablets at Big Spring, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub> and vitamin B<sub>6</sub>, had been in whole or in part omitted or abstracted from the product. (Analysis disclosed that the product contained 72 percent of the labeled amount of vitamin B<sub>1</sub> and 71 percent of the labeled amount of vitamin B<sub>6</sub>.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 4, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use and not for sale.

19850. Adulteration and misbranding of Special Formula capsules. U. S. v. 3 Drums \* \* \*. (F. D. C. No. 33670. Sample No. 15245-L.)

LIBEL FILED: September 2, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about June 9, 1952, by Preston Laboratories, Inc., from Chicago, Ill.

PRODUCT: 3 drums containing approximately 30,000 Special Formula capsules at Omaha, Nebr.

LABEL, IN PART: "Special Formula Capsules Each No. 0 Brown Cap-Clear Body Capsule Contains: \* \* \* Ascorbic Acid 37.5 Mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin C, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Each \* \* \* Capsule Contains: \* \* \* Ascorbic Acid 37.5 Mg." was false and misleading. (Analysis disclosed that the product contained 81 percent of the labeled amount of ascorbic acid.)

DISPOSITION: October 28, 1952. Default decree of condemnation and destruction.

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PRODUCTS

N. J. No.		N. J. No.	
Alfalfa meal-----	19822	Fats. See Oils and fats.	
Apple-blackberry preserves, ap-		Fattener, cattle-----	19823
ple-raspberry preserves, and		Feeds and grains-----	19822, 19823
apple-strawberry preserves_	19830	Fish and shellfish----- <sup>1</sup>	19824-19828
Beans, lima, canned-----	19832, 19833	Flour -----	19801-19805
red, canned-----	19834	Fruits and vegetables-----	19829-19837
Blue fillets, frozen----- <sup>1</sup>	19824	fruit, canned-----	19829
Butter-----	19817, 19818	jams, jellies, and preserves---	19830, 19831
Catsup, tomato-----	19836	tomatoes and tomato products_	19835-19837
Cereals and cereal products----	19801-19816, 19838	vegetables-----	19832-19834
Chickens. See Poultry.		Grains. See Feeds and grains.	
Corn -----	19806	Grape jelly-----	19831
Dairy products-----	19817-19819	Grapefruit, canned-----	19829
Eggs, frozen-----	19820, 19821		

<sup>1</sup> (19824). Seizure contested. Contains findings of fact and conclusions of law.



	N. J. No.		N. J. No.
Jelly. <i>See</i> Jams, jellies, and preserves.		Sauger fillets, frozen	<sup>1</sup> 19824
Lima beans, canned	19832, 19833	Shellfish. <i>See</i> Fish and shellfish.	
Macaroni and noodle products	19838	Shrimp, frozen	19828
Mix, cake	19805	Spaghetti. <i>See</i> Macaroni and noodle products.	
Noodles. <i>See</i> Macaroni and noodle products.		Special Formula capsules	19850
Oils and fats	19838, 19839	Tabucaps multiple vitamins	19848
Olive oil	19838	Tomato (es), canned	19835
Oysters	19826, 19827	catsup	19836
Peach jam	19831	sauce	19837
Plum jam	19831	Tuna, canned	19825
Popcorn, unpopped	19807	Turkeys. <i>See</i> Poultry.	
Poultry	<sup>2</sup> 19840-19847	Vegetables. <i>See</i> Fruits and vegetables.	
Pream	19819	Vitamin, mineral, and other products of special dietary significance	19848-19850
Preserves. <i>See</i> Jams, jellies, and preserves.		Wheat	19811-19816
Rice	19808-19810	flour, cracked	19804
Rye meal	19804		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Ace Poultry Co.:		Farmers Union Grain Co.:	
dressed poultry	19841	wheat	19812
Admiral Fisheries:		Farmers Union Grain Terminal Association:	
frozen sauger fillets and frozen blue fillets	<sup>1</sup> 19824	wheat	19811
Armour Creameries:		Figge, F. J.:	
butter	19817, 19818	butter	19817
Chicago Macaroni Co.:		Fresh Canning Co.:	
table and cooking oil, olive oil, and macaroni and spaghetti	19838	canned lima beans	19832, 19833
Clark, H. E.:		Gallatin Valley Milling Co.:	
alfalfa meal	19822	wheat	19814
Clark, H. E., Co.:		Garvey, J. F., Co.:	
alfalfa meal	19822	plum jam, peach jam, and grape jelly	19831
Clary Poultry & Egg Co.:		Gibbs & Co., Inc.:	
frozen eggs	19820	tomato catsup	19836
Crawford, J. M.:		Hagin-Peters Co., Inc.:	
corn	19806	rice	19809
Custer, H. L., Poultry:		Hamill, S., Co.:	
dressed turkeys	19847	flour	19803
Dryden, Carol, & Co., Inc.:		Henry, Bert, & Sons:	
oysters	19826	wheat	19815
Faraday Laboratories:		Howeth, C. W., & Bro.:	
Tabucaps multiple vitamins	19848	oysters	19827
Farmers Elevator Co.:		Hudlow, J. M.:	
wheat	19813	dressed poultry	<sup>2</sup> 19840

<sup>1</sup> (19824) Seizure contested. Contains findings of fact and conclusions of law.  
<sup>2</sup> (19840) Injunction denied. Contains findings of fact and judgment of the court.

	N. J. No.		N. J. No.
Hudlow Poultry Co. <i>See</i> Hudlow, J. M.		Roma Macaroni Mfg. Co., Inc.:	
Illinois Oil Packing and Distributing Co.:		table and cooking oil-----	19839
table and cooking oil-----	19839	Schreiber Mills, Inc.:	
Jones, E. V.:		cattle fattener-----	19823
butter-----	19818	Sea Brands, Inc.:	
Killdeer Equity Elevator Co.:		canned tuna-----	19825
wheat-----	19816	Sea Pak Corp.:	
Laws, W. V., Poultry Co.:		frozen shrimp-----	19828
dressed poultry-----	19844	Sherman Produce Co.:	
M & R Dietetic Laboratories:		frozen eggs-----	19821
Pream-----	19819	Small Bros. Poultry Farms:	
Maine Poultry Co.:		dressed poultry-----	19842
dressed poultry-----	19843	Southern Fruit Distributors, Inc.:	
Matalone, J. S., and Steve:		canned grapefruit-----	19829
table and cooking oil, olive oil, and macaroni and spaghetti-----	19838	Southwestern Alfalfa Mills, Inc.:	
Mitchell Syrup & Preserve Co.:		alfalfa meal-----	19822
fruit preserves-----	19830	Spencer Produce Co.:	
Phillips Sales Co., Inc.:		dressed poultry-----	19845, 19846
canned tomatoes-----	19835	Twin Ports Wholesale Grocer:	
Preston Laboratories, Inc.:		rice-----	19808
Special Formula capsules----	19850	West Point Creamery. <i>See</i> Figge, F. J., and Jones, E. V.	